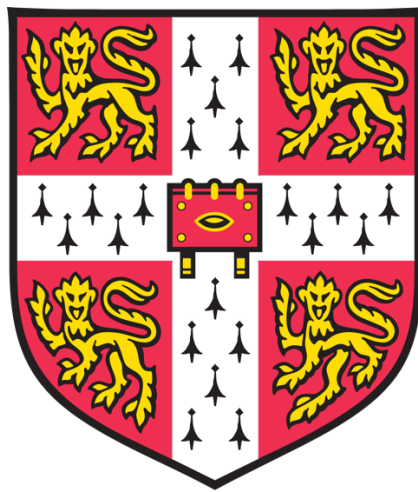


“Halal” Intimacy:
Love, Marriage and Polygamy in Contemporary Malaysia



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This dissertation is submitted for the degree of Doctor of Philosophy

Declaration

This dissertation is the result of my own work and includes nothing which is the outcome of work done in collaboration.

It is not substantially the same as any that I have submitted, or, is being concurrently submitted for a degree or diploma or other qualification at the University of Cambridge or any other University or similar institution.

I further state that no substantial part of my dissertation has already been submitted, or, is being concurrently submitted for any such degree, diploma or other qualification at the University of Cambridge or any other University or similar institution.

It does not exceed the prescribed word limit of 80,000 words or 350 pages set by the Degree Committee of the Faculty of Archaeology and Anthropology.

Nurul Huda Mohd. Razif

27/06/2017

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This thesis illustrates how love, legality, money, sex(uality) and sin direct Malays’ marital strategies in the face of various social, moral, religious and structural pressures. Passionate love (*cinta*) is cherished and celebrated by Malays – that is, if it is indulged within marriage. Marriage serves as a license to engage in (otherwise illicit) sexual desires by rendering them “*halal*” or lawful in the eyes of Islam and Malay *adat* (traditions). A vigilant State-led Islamic Bureaucracy, which polices and punishes pre- or extramarital sexual liaisons between unmarried couples through strict moral surveillance, further ensures that access to physical intimacy remains a conjugal privilege. However, hindered by complex bureaucratic procedures for marriage and pressured by escalating passions, many of my Malay informants are compelled to seek cheaper, quicker, and discreet alternatives in neighboring Southern Thailand to “*halal-ize*” pre- or extramarital romances, resulting in secret – and legally contentious – monogamous or polygamous cross-border marriages.

Cross-border marriages – specifically polygamous ones – are subsequently explored here as a careful (and often failed) negotiation between discretion and disclosure: their stability decreases with increased exposure, rendering them highly precarious. Contrary to the dominant male-centric scholarship on polygamy, this study privileges the perspectives and experiences of polygamous wives by considering how their position within the marriage informs their capacity to engage in – or conversely, disengage from – this multi-marital arrangement. Polygamy is embraced by some women as a female choice that secures access to marriage and motherhood – both crucial towards achieving Malay womanhood. For others, polygamy is hardly a “choice” at all, and they must cope with the discomfiting reality in which the husband’s money, time, and attention are now “halved” between his wives. Love in polygamy is experienced in visible and measurable terms, and the husband’s unequal distribution of his emotional and economic resources create discontent among wives that may culminate in divorce, or covertly confronted through sorcery. In Malay polygamy, more therefore means less.

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Introduction

This thesis is about love. Specifically, it is about my Malay informants' pursuits of love that is lawful in the eyes of God, society, and the State – that which I refer to as “*halal*” (permissible) intimacy. The term “*halal* intimacy” emerges from my Malay informants' desire to “*halal-ize*” their relationship before “anything happen[s]” (“*sebelum apa-apa berlaku*”). The process of studying “*halal*” intimacy reveals that love for Malay-Muslims is only desirable and permissible – in other words, “*halal*” – if indulged within marriage. Marriage is therefore a means to a more intimate end: it enables engagement in sexual intimacy free from the threat of moral castigation, when the couple are recognized as man and wife (*suami isteri*) in the eyes of God. A vigilant State¹-led Islamic Bureaucracy intent on deterring any illicit indulgence of pre- or extra-marital intimate relations further safeguards sexual intimacy as a conjugal privilege. Yet the law-abiding path to marriage is not an easy one, and it is wrought with legal-bureaucratic obstacles that hinder its easy access. This necessitates quick alternatives that involve an elopement into neighboring Southern Thailand, where a discreet cross-border marriage may be contracted in just a few hours – and more importantly, without the knowledge of disapproving parents and first wives.

The predominantly Muslim region of Southern Thailand has become a popular destination for cross-border marriages through the increased commercialization of marriage tourism in this region in recent years. It is against Malaysian Shariah laws for its Muslim citizens to marry outside the country without prior permission from their state. Nonetheless, if it can be proved that the marriage contracted in Thailand fulfills all the Islamic requirements, the Malaysian State may recognize this marriage as a legally valid union under Malaysian Shariah laws. Many couples I encountered failed to anticipate the legal complications that could arise from the marriage if left unregistered with the Malaysian authorities. Without undergoing the process of a legal validation in court, these marriages have no legal standing in Malaysia, and the couple may be denied access to State-subsidized healthcare and education for their children, who would not be registered as Malaysian citizens if no legal proof of their parents' marriage could be produced.

¹ In this thesis, I use “State” to refer to the governing “Malaysian State” as an overarching political entity, constituted of fourteen “states” (e.g. “the state of Kelantan”) that make up Malaysia.

Cross-border elopements not only facilitate marriage, but also realize possibilities of *multiple* marriages – that is, polygamy. Polygamy is institutionalized under existing Malaysian Shariah Laws, but the conditions of economic and “character” eligibility for legal polygamy makes this practice a privilege predominantly restricted to men of financial means. Furthermore, the need for discretion, so crucial to the preservation of the man’s first marriage and to the establishment of his subsequent union, also accounts for the need to elope to Southern Thailand to contract the marital bond.

This draws polygamy into the heart of this thesis. Polygamy in Malaysia is legal and institutionalized by the Shariah. Under the current Islamic Family Law, Muslim men are permitted to marry up to four wives at a time, but proof of “necessity”, financial eligibility, and character suitability must be proved to the judge in Court before permission to marry additional wives are granted (Abdul Hak 2008; Abdullah & Kamaruddin 2008). While it is true that the Islamic Bureaucracy “intentionally inconvenienc[es]” (“*sengaja menyusahkan*”) marriage applicants with convoluted and time-consuming legal-bureaucratic processes for marriage, this is only part of the story. Many polygamous couples in fact feared another form of “authority” that was neither legal, religious, nor governmental: that of disapproving parents and first wives.

Despite the legal provision for polygamy under existing Malaysian Shariah laws, Malay men thus have various reasons for avoiding legally transparent polygamy. The most common of these is secrecy. Husbands usually become polygamous after secretly “falling in love” (“*jatuh cinta*”) with a woman and engaging in an affair while still married to their first wives. As their extramarital romance escalates to a state of passion (*cinta*) where they have become “too close” (“*rapat sangat*”) to remain “just friends” (“*kawan biasa*”), the next logical course of action is to “*halal-ize*” the relationship through a marriage, albeit a polygamous one. However, a formal application for polygamy to the Shariah Court will send out a “notice” to the first wives informing them of their husband’s polygamous intentions. It is this risk of a much-dreaded exposure of the impending union to their first wives that would compel men to conceal their polygamous intentions.

This thesis looks at the dynamics of love not only *within* marriage, but also within *multiple* marriages. Marriage is not always the end of a love story; for many, it is where

love is only about to find its full expression. Polygamy thus emerges as a fertile ground in which post- or multi-marital love could flourish – often in secret, but at least condoned by Islam. Polygamy also exists in a wider constellation of competing and conflicting desires, of which love is but one. The Malay women I encountered profited from men's continuing marriageability in various interesting ways. For many women with successful careers, polygamy as a second wife offered access to companionship, sexual intimacy, and motherhood – all privileges only attainable for Malay women through marriage – while still allowing them to retain their careers, economic autonomy, and relative independence. For those seeking promises of economic protection, polygamy to a wealthier man offered the financial salvation that they sought. Thus, while the affective basis for polygamy cannot be denied, polygamy must also be understood as a strategy for securing economic and emotional security within the permissible boundaries of marriage.

While some Malay women have the fortune of choosing polygamy as a lifestyle choice to fulfill societal expectations of marriage and motherhood, others – specifically first wives – are unwittingly absorbed into polygamy through their husband's secret remarriage. Malay polygamy unfolds more as a *division* than an addition of conjugal unions however, in which the husband's time, attention, money and affection are divided between his two wives – and as many wives note, often unequally. The scarcity of such resources creates co-wife competition and attempts to monopolize access to the husband that manifest through intense expressions of jealousy and, frequently, allegations of sorcery. Polygamous wives are not the only ones to express deep dissatisfaction with the economic and emotional uncertainty in marriage. Over time, polygamous husbands themselves feel the strain of the amount of physical and financial investment needed to maintain multiple hearts and multiple marriages simultaneously. These husbands were often found to openly question the desirability of polygamy as a lifestyle choice that brought pain as well as pleasure.

I. Theoretical Considerations

This study is an exploration of how love leads to marriage, and how love transpires through the prism of marriage. In examining how love and marriage are interwoven in the wider institutional, cultural, religious, and legal forces at play in Malaysia today, I

seek to contribute a tentative response to Jones and Yeung's (2011:1569) invitation to consider, "Who gains what from marriage?" The theoretical underpinnings of this endeavor are explored thematically below.

i. The Islamized State

Malaysia is a multi-ethnic, Muslim-majority country with a population of 28.4 million people (Department of Statistics Malaysia 2016). Islam is the official religion of the country, and has indeed received significant investment from the State through various Islamization projects. A State-led Islamic Bureaucracy also serves to strengthen the presence and influence of Islam that pervades nearly every layer of Malaysian society, from government policymaking to marriage and intimacy. According to the Malaysian Department of Statistics, the *Bumiputra*² form 68.6 percent of the population, while the Chinese constitute 23.4 percent; and the Indians, seven percent (Department of Statistics Malaysia 2016). Malays form 61.3 percent of the Muslim population, as of 2010 (Department of Statistics Malaysia 2011). Other religions practiced in Malaysia by the other ethnic groups such as the Chinese, Indians, and other indigenous groups include Buddhism (19.8 percent of the population), Christianity (9.2 percent), and Hinduism (6.3 percent) (Department of Statistics Malaysia 2011).

² "*Bumiputra*" (literally meaning "sons of the soil") is an ethnic category comprising of Malays and other indigenous groups.

MALAYSIA: ETHNICITY (2016)

■ Bumiputra ■ Chinese ■ Indian ■ Others

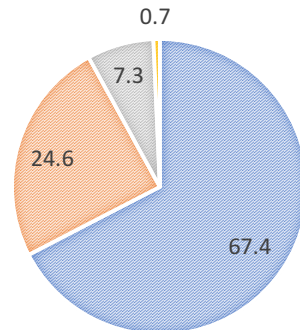


Figure 1: Malaysia: Ethnicity (2016)

Source: Current Population Estimates, Malaysia, 2014-2016 (Department of Statistics Malaysia Official Portal 2016).

MALAYSIA: RELIGION (2010)

■ Islam ■ Buddhism ■ Christianity ■ Hinduism ■ Others

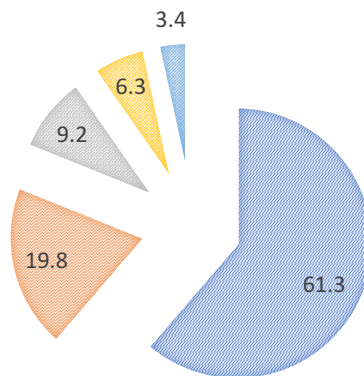


Figure 2: Malaysia: Religion (2010)

Source: Population Distribution and Basic Demographic Characteristic Report 2010 (Department of Statistics Malaysia Official Portal 2011).

Love in Malaysia comes under various degrees of surveillance by the law due to the amalgamation of State and religion (that is, Islam). The presence of an Islamic Bureaucracy further allows for a deeper involvement of the Islamized State in the domestic sphere. My examination of the State's stringent policies towards intimacy brings to the fore two crucial aspects of the Malaysian State I highlight in this thesis: first, the inseparability of State and Islam, and second, the deep penetration of the State's authority into the intimate, private lives of its Muslim subjects. In tracing the origins of the Islamic Bureaucracy actively operating in Malaysia today to its colonial roots, Islam appears more and more as a force malleable to the political climate of the time. The co-option of Islam into the local political struggle for power and popular support between the ruling UMNO (United Malays' National Organization) government and the main Islamist opposition party PAS (*Partai Islam se-Malaysia*, or the Pan-Malaysian Islamic Party) have only spurred the growth and gradual expansion of Islam into its current highly-bureaucratized form today. This "Islamization race", as scholars of Malaysia call it, was to have deep ramifications not only at the political level, but also in everyday life. A stronger consciousness of Islam – intensified during the period of Islamic revivalism from the 1970s onwards – complemented by more elaborate provisions in the Shariah legal system, all serve to enjoin Muslims to do good, while leaving behind all things sinful (*"amar ma'aruf, nahi mungkar"*).

The Malaysian State's explicitly Islamic identity makes it appear as a slight anomaly in the existing anthropological literature on the state. With the exception of Messick's (1992) work on Yemen and Fazeli's (2006) study of Iran, other anthropological studies on the state largely focus on secular states (Mathur 2010, 2016, Gupta 2012; Hull 2012; Telesca 2015; Tuckett 2015). By contrast, I consider how in Malaysia, it would be incomplete to speak of Islam or the Islamic Bureaucracy – considered to be the most authoritative force on Islam in Malaysia – without referring to its patronage under the Malaysian State, and vice versa. I follow the argument of a long line of scholars writing on Malaysia, who similarly contend that in Malaysia, politics and religion – that is, the Malaysian State and Islam – constitute two sides of the same coin (Roff 1974, 2009; Lee 1986; Crouch 1993; Shome 2002; Othman 2003; Aziz & Shamsul 2004; Shamsul 2005; Liow 2007; Abdul Hamid 2009; M. Mohamad 2009). The incorporation of Islamic theological expertise into public governance cements the indissolubility of this mutually-reinforcing relationship between the Malaysian State and Islam.

This approach to Islam offers a license for the State, through the Islamic Bureaucracy, to boldly enter domestic domains. In this thesis, I seek to illuminate how the Islamic Bureaucracy operates to ensure that intimacy remains within the domain of marriage, and that marriages continue to be intimate. I argue that this is achieved with great help from “bureaucracy”, explored in this thesis in two senses of the word: first, as a highly convoluted, impenetrable, and mundane legal-bureaucratic process of contracting and dissolving a marriage. These heavily bureaucratic procedures are intentionally crafted by the State in such mundane ways as to police marriage and marriageability, and to protect the sanctity of the marital institution. Second, an overt and more forceful form of intimate surveillance is carried out through a branch of the Islamic Bureaucracy known as the *Maksiat* (Vice) Prevention Unit (*Unit Pencegah Maksiat*, or MPU). The MPU’s primary occupation includes arresting Muslims engaged in gambling or alcohol consumption, and unmarried couples engaged in pre- or extramarital sexual behavior such as *khalwat* (being in close physical proximity to a marriageable, non-kin member of the opposite sex in a way that “arouses suspicion”).

Through studying marriages in Malaysia – both monogamous and polygamous – a rather unorthodox understanding of the Malaysian State and the Islamic Bureaucracy emerges: that of a paternal yet pitying State. This paternal State is not only flexible, but also forgiving. The State’s provision to allow the registration of marriages contracted beyond its own borders in contravention of Malaysian Shariah laws is one offer at redemption to those who have rejected the State. The apparent manipulability of the Malaysian State demonstrates a more complex flow of power than simply a vertical, top-down approach as imagined by its Muslim subjects. In fact, driven by a paternalistic rhetoric, the State is compelled to “supervise” the loopholes its people exploit across the border, to ensure that they “wrong” the “right” way. This accommodative move recognizes the urgency of securing *halal* intimacy. The State does not want to be impotent in its people’s moral battles with the force of desire and a bystander to these struggles; on the contrary, it attempts to guide such desires towards marriage, where they may find their lawful expression.

ii. The State & Malay Kinship

Marriage is acknowledged by anthropologists as a universal aspiration for Malays (Djamour 1965; Downs 1967; Banks 1983; Laderman 1983; Karim 1992). There are very few exceptions to this, and celibacy is often the involuntary result of unfavorable circumstances rather than personal choice. As early as the 1980s, Stivens (1996:191) has noted an emerging trend among young, educated, career-oriented women who were resisting marriage, “even at the cost of considerable social disapproval”. In contrast to Stivens, I found that marriage continues to be an aspiration among the ambitious and professional women I worked with, and the search for love and a “life partner” an increasingly relevant pursuit to mediate the loneliness and isolation of urban life. However, women’s professional careers and economic self-sufficiency frequently delayed their desire to make conjugal commitments early, resulting in difficulties in securing marriage along the way.

Malaysia is not exceptional in this case, for it is situated in what has been referred to by scholars as the “universal marriage” region, which encompasses its immediate neighbors such as Indonesia and Singapore (Jones 2009:17; Dommaraju & Tan 2014:560). As Boellstorff (2005:116) and Davies (2010:123) argue for neighboring Indonesia, even gay men and *calalai* women (women who perform masculine roles and sexually desire other women) may choose to pursue a heterosexual marriage alongside maintaining their homosexuality. Though this pursuit appears rather contradictory, Boellstorff (2005:117) suggests that it is guided by a distinctive nationalist logic: Indonesia is founded on the state ideology of “family principle”, which situates the nuclear family as “the fundamental unit of the nation”. This nationalist imperative to marry is also manifested in “ethnolocalized beliefs about kinship”: parental pressure to marry and produce children makes marriage a “social duty” children must fulfill to their parents (Boellstorff 2005:117). Nationalist discourses thus place a premium value on marriage and the formation of a nuclear family as a civic duty and a performance of proper citizenship (Boellstorff 2005:117). For *calalai* women in Indonesia’s South Sulawesi, marriage is more than a duty of the good citizen; heterosexual marriage and the bearing of children are the only means through which a woman may access adult womanhood (Davies 2010:123). However, what Boellstorff (2005, 2005a) and Davies (2010) demonstrate is that these societal expectations to conform to a state- and socially-sanctioned

heteronormativity are fulfilled alongside homosexual desires within what Boellstorff (2005:117) calls a “single subjectivity”. Indonesia thus offers an instance in which the state’s co-option of the domestic domain into its nationalist agendas perpetuates a preoccupation with marriage from the policy-making level to everyday intimate relations.

My own study seeks to offer a parallel consideration of how marriage in Malaysia forms a crucial aspect of the State’s modernization project. I demonstrate this by exploring how the family and the household are unwittingly subsumed under the public sphere through religio-political and economic developments that have had significant demographic impact on Malaysian society. In Malaysia, decades of industrialization, Islamic revivalism and “modernization” have made the family both “an instrument and object of state policy” (Stivens 1987:89). Stivens (1991, 1996, 1998, 2010, 2013) and other scholars (Ong 1990a; Healey 1994; Peletz 1996, 2002; M. Mohamad 2011, 2011a) have noted the increased politicization of the domestic sphere in the postcolonial period, which has led to attempts by the State to relegate women back to their domestic role as “wives and mothers” and shadowy “feeders and breeders”.

Malay women and their Indonesian neighbors have historically been noted for their “relative autonomy” in their freedom of movement and control over their bodies *vis-à-vis* women in other Muslim societies (Stivens 1988:80; O’Brien 1988:45). Women exercised their earning capacity, and inherited and owned property under their own name (Stivens 1996:6; 1998:80). However, despite the level of autonomy they possess, Stivens (1996:57) argues that women continue to be vulnerable to various economic, ideological, and religious practices, including pressures for marriage and motherhood, that “can be interpreted as subordinating them”. Women’s value as economic contributors was also always recognized as secondary to men (that is, their husbands); State policies and agricultural schemes, for example, typically recognized only men and husbands as the heads of household (Stivens 1996:227). Furthermore, despite women’s considerable participation in some agricultural sectors such as rice-growing – considered “exclusively the preserve of women” in the states of Melaka and Negeri Sembilan (O’Brien 1988:44) – women were still “identified ideologically as “housewives”” (Stivens 1988:94). These scholars have highlighted that although Malay women were not officially acknowledged as providers for their families, they were nonetheless essential, though silent, contributors to their households, which was also evident in my own findings.

The New Economic Policy (NEP) launched in 1970 significantly elevated Malay women's economic position in society and within their own immediate kin groups, though with heavy repercussions. A significant consequence of the State's industrialization policies was the mass absorption of young Malay women into the capitalist economy through employment in factories (Ong 1990a:265; Frisk 2009:53). Through this, young women became the primary breadwinners of their family, superseding their fathers and brothers who had been the primary economic producers up until then (Stevens 1996:31). Although women's new role as their families' benefactors granted them economic independence and social freedom to experiment with a new sense of self in the city, there was an expression of "general anxiety" among Malay society about how "male authority over young women" had been compromised by State policies and economic reform (Ong 1990a:268). Islamic revivalists offered a solution to this moral panic by enjoining Malays to subscribe to "a stricter version of male authority", which included women's religious duty to embrace their roles as "mothers and wives" (Ong 1990a:268).³

The overwhelming majority of the women I met throughout Malaysia held some form of part-time or full-time employment, which suggests that Islamic revivalists' attempts to keep women in the domestic sphere of society was not universally subscribed to. Women in Malaysia have historically worked (Healey 1994:101), and those that I encountered during fieldwork duly continued this tradition. This is significant to note, as women's waged employment offers them access not only to economic capital, but also to various possibilities for romantic engagement: the workplace was often cited by my working female interlocutors as the site of many fortuitous encounters between colleagues who become friends, lovers, and eventually, spouses. Furthermore, the economic capital they accumulate in their professional lives allows them to commit to marriages – especially polygamous ones – that could otherwise be economically precarious. As I illustrate in this thesis, women's willingness to contribute their own economic capital to the marriage is

³ This moral duty was further emphasized as a civic duty when the Mahathir Administration enforced a new policy targeting an increase in the country's population to 70 million people by 2010 in the Fourth Malaysia Plan 1981-1985 (Zulkifli & Yusof 1985:62). Women were naturally expected to meet the nation's reproductive expectations, which revealed a "deep-seated political agenda" in urging women to return to the domestic realm (Healey 1994:103).

an important facilitator of polygamy, as it reduces the economic burden men have to bear when they take on additional wives.

Stivens (1996:227; 2000:28) suggests that the 1970s saw a shift from a multigenerational household unit to a “modern”, nuclear household form, which emerged from – and contributed to – State-led industrialization and the resultant economic individualism. The nuclearization of the family was further reinforced by rural land settlement programs that “privileged the elementary family unit” (Stivens 1996:228). Peletz (2002:21) has argued that this crafting of nuclear families has been a deliberate move by the Malaysian State to develop its own version of modernity that is “distinctively Malaysian”. These “projects of modernity” come to light in Shariah Courts, where the conjugal bond takes precedence over kinship ties and where contractual responsibilities between spouses are emphasized (Peletz 2002:21). The Courts are therefore “strategic players” in the “creation and policing of new Malay families and subjectivities”; they are where “pro-family” values are inculcated in Muslim subjects who are taught to value intact families built on enduring marital ties (Peletz 2002:207). Peletz’s conclusion is that Malay kinship is privileged by the Malaysian Shariah Courts so that the conjugal bond between husband and wife is seen to constitute the foundation of the most elementary kinship unit.

My research conducted through extended fieldwork in Malaysian Shariah Courts demonstrates that the politicization of the family continues within the walls of the judicial branch of the Islamic Bureaucracy today. My study contributes to the works of both Stivens and Peletz, as I explore how the Malaysian State attempts to keep families – both monogamous and polygamous – intact to ensure smaller, and more stable households. From the divorce and cross-border marriage validation cases I observed and studied through the Shariah Courts’ archives, I could discern an explicit preference from the State for a specific vision of the family: that of a monogamous and companionate marriage, forming a nuclear family residing neo-locally. So salient was this vision for bounded, nuclearized households that even polygamous unions were expected to conform to it, with the presumption that they would be more stable when managed as two separate but co-existing nuclear families headed by the common husband-father figure. A central focus of this thesis is therefore to investigate how the politicization of marriage affects the legal administration of the contraction, validation, and dissolution of marital unions, including polygamous ones. Following this, how might the legality of marriages direct logistical,

everyday concerns of staying married? This especially affects legally precarious cross-border polygamous marriages, which I explore further below.

Though Peletz (2002) and Stivens (1996) have demonstrated the nuclearization of families within the Shariah Court and in the villages, their considerations do not encompass polygamous families, which take on a more complex and multilayered form. Neither Peletz nor Stivens attempts to address how the annexation of an additional marriage reconfigures not only the existing one, but also the entire family as a kinship unit. In my study of Malay polygamous families, I illustrate the way in which the “performative” (Peletz 2002:213) nature of kinship is reproduced in expectations of the correct, adequate, and fair fulfillment of each spouse’s “rights, roles, and responsibilities” (*“hak, peranan, dan tanggungjawab”*). The husband as the primary provider of the family (and the one who seeks a polygamous union) is held accountable for this through the wives themselves, who may threaten divorce to leave an unjust polygamous marriage. This performativity of kinship is also further emphasized through State family policies that promote a marriage model based on companionate care and cooperation. To demonstrate how polygamy reconfigures Malay marriages and kinship, I must first illustrate how marriage features in the wider socio-cultural and religious scheme for Malays.

iii. “Halal” Intimacy

Love and marriage for my informants in Malaysia were deeply intertwined, such that one must always lead to the other: love should lead to marriage, and marriages should give rise to intimacy. “Reciprocal “attract[ion]” (R. Firth 1966:39), “affection” (Djamour 1965:68), and “strong romantic attachments” (Banks 1983:152) are all strongly encouraged motivations for marriage, and the absence or cessation of love is also a reasonable excuse for divorce. This makes marriage for Malays more of a dissolvable “contract”, rather than an eternally-binding “sacred tie” (Djamour 1965:68). Love and sexual attraction were also cited as the driver of many (eloped) cross-border unions in Southern Thailand. It is therefore safe to say that the marriages explored in this study are largely “love marriages” which originated from a point of mutual attraction, the cultivation of romance and love in courtship, eventually leading towards conjugal life.

In recent years, the anthropological literature on love, intimacy and marriage has focused significant attention on romantic love as the affective basis for marriage (De Munck 1996; Ahearn 2001; Yan 2003; Lindholm 2006; Hart 2007; Smith 2001, 2002, 2009, 2010; Mody 2008; Hirsch & Wardlow 2006, Thomas & Cole 2009). These works present a drastic shift from the more classical structural-functionalist anthropological interpretations which predominantly regarded marriage as a social institution responsible for the social, biological, and political reproduction of society (Crawley 1960 [1902]; Radcliffe-Brown 1975; Wilson 1975, Forde 1975). More importantly, they show that romantic love is not a uniquely “Western” construct, but that those in the non-Western world similarly indulge in romantic quests, often directing the flow of love towards socially-acceptable others, with marriage in mind (De Munck 1996:699; Jankowiak & Fischer 1992; Mody 2008).

My work contributes to this expanding body of literature on love by examining Malay intimacy as experienced within the cultural framework of *adat* (Malay “culture” and traditions), Islam, and the Islamized Malaysian State. Specifically, I explore the notion of “*halal*” intimacy – that is, intimacy of the emotional and sexual kind condoned by *adat*, Islam, and the State, if contained through (or within) marriage. “*Halal*” intimacy is both an emotion and an aspiration. It is manifested in the pursuit of romantic love (*cinta*) made permissible through a long-term conjugal commitment of marriage. “Intimacy” encompasses a spectrum of emotions ranging from tender feelings of care to lust, and familial or platonic affection to physical, carnal desire (Karim 1992; Moss & Schwebel 1993; Goddard 1996). My Malay informants recognized the full depth and breadth of intimacy, but it is physical and sexual intimacy incited by lust (*nafsu*), with the potential to bring sin (*dosa*) and moral castigation, that was most unsettling for them. Romantic love, once it reached passionate heights that could propel them to commit sin, had to be channeled quickly towards marriage, where it could find its safe expression.

Intimacy is one thing, but love is quite another. Love in the context of my fieldwork is explored as a form of emotion governed by cultural and religious sanctions and permissibility. I draw on select anthropological and sociological works on emotions which urge the recognition of emotions as a cognitive and affective tool with which members of a common social group engage with the world (Karim 1990; Abu Lughod & Lutz 2009; Jaggar 2009; Rosaldo 2009). Emotions are intentional, processual,

interpretive, and evaluative; they are thus suited as a lens through which external occurrences in the world are internally interpreted (Jaggar 2009:54). In line with Illouz (1997) and Karim (1990, 1990a, 1992), I argue that it is appropriate to study love as an emotion through the prism of culture (Malay *adat*), which provides us with the analytical tools and frameworks to identify, define, and render comprehensible certain emotional experiences.

My inquiry into the nature of Malay intimacy illustrates how a cultural conception of love through *adat* also complements State and Islamic prescriptions and proscriptions against intimacy that transgresses the boundaries of permissibility. I suggest that despite the Malaysian State and the Islamic Bureaucracy's severe sanctions on sexual intimacy, this does not mean that they are against all expressions of love and intimacy; on the contrary, the State is only selectively discriminating. Unmarried couples are admonished for engaging in illicit intimacy, but married couples by contrast are explicitly encouraged by the Malaysian State to cultivate a healthy degree of companionate (*kasih sayang*) and passionate (*cinta*) love, and to maintain an active sex life, so that spouses may find sufficient emotional and sexual fulfillment within the conjugal bond. The ideal Malay marriage promoted by the State is therefore based on a companionate model, in which love is seen as a cohesive agent for marriages to endure. This would in turn allow for the formation of secure and stable families crucial to the State's project of crafting "modern" families and subjectivities.

In contrast to this, what my work also reveals is the relative silence on the part of the Malaysian State on the question of how love should transpire in polygamous marriages. This leaves the spouses in polygamy to improvise as they go along. In polygamy, the second marriage is an attempt at building an intimate relationship on top of an existing one – often with little success. The making of the new marriage – once exposed to all – involves a reconfiguration of the existing one too, often in drastic ways. The first wife is not only forced to face her husband's "betrayal" (as one first wife put it to me) by marrying another woman, but feelings of jealousy are further exacerbated when the husband begins to divert his financial resources to his "other family", thus jeopardizing the first wife's economic standing. Love and intimacy in polygamy thus deviate from that of the companionate marriage model, and is experienced in visible, measurable terms commensurate with the husband's resource reallocation within the marriage.

iv. Marriage

An examination of Malay intimacy must necessarily address the centrality of marriage within Malays' romantic pursuits. Marriage's role in the social and biological reproduction of Malay society has been widely noted by anthropologists writing on Malaysia (R. Firth 1966; Downs 1967; Strange 1981; Banks 1983; Laderman 1983; Peletz 1996; Carsten 1997; Zeitzen 2002). In this thesis, I attempt to study marriage at its various stages, from its conception, to its development, and finally to its eventual dissolution and remarriage (should it indeed end in this way). I begin, in Chapter 2, by inquiring why Malays marry. Marriage carries a significant amount of social value, for it is only through marriage and eventual parenthood that one's personhood is "truly complete" (Raybeck 1974:227). Indeed, as Carsten (1997:256) writes regarding her informants in Langkawi: "The good life involves marrying, having children, seeing them marry and have children in turn, and thus becoming a respected grandparent." Being a spouse and a parent thus carries heavy social currency, particularly in a society where status is accorded by seniority in age and matrimonial rank, rather than simply through gender, following the bilaterality of Malay *adat*. Though these bilateral gender relations do not explicitly privilege any particular gender, they do offer Malay women some room and resources that ease their transition into marriage, adulthood, womanhood, and motherhood, as I discuss in Chapter 2.

Drawing on the Negeri Sembilan village of her study, Stivens (1996:189) suggests that in the past, marriages were "pressured" on young people as "an inevitable part of adulthood", and there was "insufficient emphasis on romantic love and to individual subjectivities". By the mid-1970s however, she noticed the emergence of "free-choice marriages" based on mutual attraction (*suka hati*) and individual choice (Stivens 2000:26). This new trend reflected how increased participation in the wage economy gave young Malays (especially women) the economic autonomy to be able to exercise some agency in choosing their own spouse, or to marry at all (Stivens 1996:190). Women's economic autonomy, as I demonstrate in my discussion of Malay wives' marital lives in Chapter 6, continues to feature as a strong undercurrent guiding Malay women's decision to marry today, and has a particularly salient impact in the context of polygamy. My research findings in fact run contrary to scholars who have argued that women's increased

education and involvement in the labor market are partly responsible for keeping polygamy's incidence low cross-culturally (Hinchcliffe 1970:19; Al-Krenawi, Graham & Al-Krenawi 1997:447; Nurmila 2009:111). I suggest that women's professional, educational, and economic achievements, rather than limit polygamy, create favorable conditions that encourage this form of marriage, as well as equip them with the social, economic, and cultural capital to face the trials and tribulations that may follow such unions. Education and income constitute crucial assets that allow them to negotiate greater autonomy, respect, and love within polygamous arrangements, leading to more enduring unions in the longer run.

By studying Malay marriages as they unfold in the Shariah Courts and within bureaucratic frameworks such as State family policies, I show how the Malaysian State is complicit in promoting the companionate marriage model by promoting "*halal*" ("permissible") love between spouses. Love nurtured during courtship should not end with the culmination of marriage, but in fact must continue to sustain the marriage. As lovers become spouses, their investment shifts to that of a different kind, and a different cause: that is, towards the correct fulfillment of "roles, rights, and responsibilities" ("*peranan, hak, dan tanggungjawab*"), as explicitly enjoined by the State's family campaigns, such as the *Dasar Keluarga Mawaddah Kelantan* (Kelantan's Loving Family Policy). State policies such as this urge highly gendered, but complementary, roles between spouses: husbands are appointed as the economic provider (*pemberi nafkah*) as well as the moral and spiritual leader of the family, while wives are encouraged to be their attentive, nurturing assistants in this endeavor. They also attempt to inculcate in married couples the need to foster a combination of caring, companionate love (*kasih sayang*) and romantic love spiced with a pinch of passion and sexual attraction (*cinta*) – all crucial ingredients for a happy marriage. As I will illustrate, this model of care and companionship is actively promoted through court proceedings, and State-organized pre-marital courses and post-marital seminars, where couples are taught to engage in the conjugal project as a lifelong endeavor – preferably to one spouse, in a monogamous marriage.

The ideal Malay marriage corresponds well to Hirsch and Wardlow's (2006) interpretation of "companionate marriages" as conjugal unions in which the strength of the emotional bond serves as "one of the primary measures of success in marriage". I therefore situate my study within a wider milieu of emerging anthropological studies on

companionate marriages across different societies, which similarly demonstrate how marriages are undertaken as a shared project of care and conjugal concerns (Hirsch & Wardlow 2006; Thomas & Cole 2009). In companionate marriages, spouses are idealized as (ideally equal, though not always so) emotional and sexual partners bound closer by a deep psychological (and spiritual) compatibility (Wardlow 2006; Smith 2006). In this marriage model, any transgressive behavior that disrupts the unity of the couple, such as adultery, is condemned as morally deviant and as threatening to the stability of the union (Hirsch, Higgins, Bentley & Nathanson 2006). In Malay polygamy, the husband's remarriage⁴ jeopardizes this companionate model, to women's economic and emotional detriment. For Malay spouses, the companionate marriage ideal is compromised when two (or more) marriages attempt to coexist – or rather, as I found, compete – with one another, as in the case of polygamous marriages. In Chapters 6 and 7, I suggest that Malay models of companionate marriage often leave first wives unprepared for their husband's (sudden) polygamy, which marks a diversion of his economic and emotional resources to another wife or family. The bonds of trust are especially breached when the husband contracts his polygamous marriage out-of-state and in secret, while still maintaining the role of the monogamous husband to his first wife. It is to these cross-border marriages that I now turn.

v. Cross-Border Marriage

Despite Malays' universal aspiration for marriage, the path towards matrimony is not easy. In this thesis, I explore the bureaucratic complexity of the process of marrying under Malaysian Shariah law, which imposes numerous legal and paperwork requirements to secure approval for marriage. These processes could delay the *nikah* (marriage ceremony) by months. Some Malay couples I encountered feared the threat of falling into sexual temptation before marriage, and were therefore compelled to seek quicker alternatives to marriage that bypass “bureaucracy” (“*birokrasi*”).

In Chapter 4, I am especially interested in Malay-Muslim cross-border marriages⁵ contracted in Southern Thailand as a means of bypassing such bureaucracy and other

⁴ In this thesis, I use the term “remarriage” interchangeably with “second marriage” to refer to the husband's polygamy.

⁵ The term “cross-border marriages” is also used interchangeably with “international marriages”

impediments to immediate marriage. My use of the term “cross-border marriages” to refer to this phenomenon differs markedly from that applied in the existing sociological and anthropological literature.⁶ Alternatively known as “marriage migration” and “international marriages” (see Ishii’s 2016 edited volume) in the wider anthropological and sociological literature, these unions are usually commercial matchmaking arrangements facilitated by an industry of money-making marriage agents. They also follow a strong patrilocal pattern in which the brides relocate to their husband’s country, where they are absorbed into local kinship structures and play a crucial nurturing and reproductive role in these bride-receiving countries. Thus, these cross-border marriages are transnational in terms of the nationalities of the couples involved, as well as in their domestic arrangement.

The cross-border marriages I explore were rather endogamous in nature, for they were predominantly intra-ethnic unions between Malaysian Malay-Muslim couples.⁷ These marriages were driven by feelings of “love” (“*cinta*”) and its resulting temptations of “lust” (“*nafsu*”), and were therefore a means of securing “*halal*” intimacy. They also rarely involved migration, for these Malay couples would return to Malaysia within the same day – if not a day or two later, following a brief honeymoon – after contracting their *nikah* in Thailand. Despite these differences, I nonetheless adhere to the term “cross-border marriages” in this thesis in accordance with local scholars who have referred to these unions as such (Abdullah & Kamaruddin 2008; Md Hashim, Abdul Hak & Md Said 2015). This term also alludes to the journey of crossing borders involved in contracting this discreet union – an experience usually wrought with suspense (if this was an

and “transnational marriages” in the literature, but scholars such as Lu (2008:126) deliberately privilege the term “cross-border marriages” over others to highlight various borders besides the national that these marriages transcend, including gender, racial and class borders.

⁶ For a more detailed study of cross-border marriages in East and Southeast Asia, refer to Jones and Shen (2008), Lu and Yang (2010) and Tseng (2010). See Wang and Chang (2002), Lu (2008) and Yang & Schoonheim (2010) for cross-border marriages between Vietnamese brides and Taiwanese men; Chee et al. (2012) for commercial matchmaking agents in Malaysia; Lee (2012) and Kim (2012) for marriage migration between South Korea and Vietnam; Lyons & Ford (2008) for Kepri wives and Singaporean husbands; Suzuki (2005) and Liaw et al. (2010) for Filipino-Japanese marriages. Constable (2003; 2009) has also made a significant contribution to this body of literature with her study of transnational U.S.-Chinese and U.S.-Filipino couples and their online “correspondence courtship” via “virtual ethnography”.

⁷ During my fieldwork in Kelantan, I did encounter Malaysian Malay men marrying Thai women (who usually converted to Islam from Buddhism for the purposes of marriage). These formed a small minority however, and involved slightly different dynamics than the endogamous Malay-Muslim marriages I focus on in this thesis.

elopement concealed from friends and family) and risk, particularly with Southern Thailand's unstable political situation.

My exploration of cross-border marriages in Malaysia demonstrates how they deviate significantly from the typical Malay marriage because they follow an unusual trajectory. Their extrajudicial origins and uncertain legal status (at least, until the legal validation process in a Malaysian Shariah Court was complete) often meant that cross-border couples embarked on their conjugal journey on shaky ground, sometimes leading to an early and untimely divorce. The risk of exposure to parents and first wives presented many logistical difficulties for the married couple, who were forced to forego a "normal" conjugal coexistence, even delaying the consummation of the marriage to keep the union concealed. On their return to Malaysia, the couple would return to their parents' home or to their first wives, who harbored little to no suspicion of the recent contraction of their *nikah* in Thailand.

The need for concealment denied the couple the everyday pleasures of matrimonial life and rendered it difficult for the couple (usually the husband) to fulfill their conjugal commitments. Although their relationship was now "*halal*" in the eyes of religion (and, if the marriage was validated in court, the Malaysian State), the socially-contested nature of such marriages could hinder their secure establishment as a stable conjugal unit. On revelation, the process of establishing the marriage in the eyes of the State and society is not an easy one, for not all who discover the marriage would be fully supportive of the legal establishment of this union: first wives may attempt to sabotage the marriage in more discreet – at times deliberately undiplomatic – ways, and the bride's male guardian (the *wali*, usually her father), may file a protest to counter the marriage registration process in court. Thus, I argue that more than an evasion of "bureaucracy", cross-border marriages are a manner of negotiating discretion and disclosure, which often ends in failure when knowledge of the marriage is publicly revealed.

The Malaysian State adopts a surprisingly accommodative approach towards cross-border marriages that reveal its own agenda: although these marriages were contracted in contravention of State Shariah laws, many without paternal consent, the State nonetheless allows such extra-judicial unions to acquire legal validity through undergoing a complex validation and registration process in court. Even when there is evident objection to the

(usually secret) marriage from the couples' family, such protestation cannot override the validity of such unions in the eyes of the Shariah. I suggest that the privileging of the Shariah over existing kinship bonds demonstrates a crucial move by the Malaysian State to shape more "modern" forms of conjugality free from the shackles of kin interference and expectations (cf. Stivens 1996; Peletz 2002). Equally however, cross-border marriages may also compromise the State's modernity project by offering Malay couples an alternative avenue to polygamy.

vi. Polygamy

Polygamy normally features in anthropological works on Malaysia as an exception to the monogamous norm (Djamour 1965:84; R. Firth 1966:50; Strange 1981:44; Laderman 1983:19; Banks 1983:99; Jones 1994:270; Stivens 1996:194; Carsten 1997:195). A major paradox of polygamy is that its public exposure – and, as I describe below, its heavy politicization – contrasts drastically from its carefully concealed practice in everyday life. This speaks to its socially-contested status that supersedes even the religious and legal legitimacy granted to polygamous unions by Islam and the Malaysian State.

This thesis attempts to account for why polygamy is increasingly seen as a desirable option for urban Malay women today. It also explores polygamy as a strategy women adopt not simply for household survival, but also as a means of securing other forms of symbolic capital such as love and companionship, and access to full adult womanhood and motherhood. Rather than considering polygamy as an entirely male prerogative, I adopt a female-centered perspective in my own study of polygamous marriages which pays attention to the positionality and experiences of wives within a marriage. This approach allows me to demonstrate how women respond to, or embrace, polygamy within the constraints imposed by their position and socio-economic standing in the marriage.

My work seeks to situate polygamy at the forefront of a wider anthropological investigation into Malay intimacy and marriage, where it serves as an alternative form of marriage that fulfills what monogamy is unable to: access to "late" marriage, motherhood, and economic and emotional security for women, and opportunities for post-marital love for men. Maznah Mohamad (2010a:377) argues that polygamy in Malaysia assumes a greater symbolic value at the political level than it does at the practical level. Its statistical

prevalence in Malaysia is widely contested; between 2000 to 2005, polygamy formed only 1 percent of Muslim marriages (M. Mohamad 2010a:377). However, polygamy is also severely underreported in official statistics, particularly when many polygamous cross-border marriages remain unregistered. It is therefore unsurprising that the number of illegal (i.e. unreported or unregistered) polygamous marriages may well amount to “three to four times that of legal ones” (Anwar 2009:3). This, I suggest, is a rather modest estimate, however; my findings show that in the year 2013 alone, Kota Bharu’s Shariah Court in the state of Kelantan reported 740 registrations of cross-border polygamous marriages, and only 129 applications for legal polygamy (91 of which were approved). This demonstrates that cross-border polygamous marriages outnumbered legally-approved ones by nearly seven times, which testifies to the appeal of a “quick” cross-border union for many Malay couples.

Despite polygamy’s ubiquitous presence in Malays’ social, political, and religious landscape, there continues to be a dearth of anthropological literature offering an ethnographic study of this contested marriage practice among Malays. An exception to this is Miriam Zeitzen’s work on urban Malay polygamy conducted in the 1990s and early 2000s (2002, 2008). Zeitzen’s contribution foregrounds polygamy’s symbolic value for urban elite Malay men who, she argues, embraced polygamy as an ethnoreligious marker of their Malay-Muslim identity. Polygamy was outlawed for non-Muslim men in 1982, but continued to be legally recognized under the Shariah (Siraj 1994:563). This made polygamy the sole privilege of Muslim men, which serves to distinguish Malay-Muslim men from their non-Malay and non-Muslim counterparts.⁸ Arguably, polygamy also enhances a man’s socio-economic status and prestige among his peers, as it demonstrates his ability to attract and maintain multiple wives with his wealth (Zeitzen 2008:58). In embracing a marriage practice that was historically the reserve of the aristocracy, men adopted polygamy to refashion themselves as a new Malay elite (Zeitzen 2002:135). Polygamy, according to Zeitzen (2002:133), is therefore “an act of conspicuous consumption” essential in the production of Malay elites and in ethnoreligious identity politics.

⁸ Polygamy received even more popular support during the wave of Islamic revivalism in Malaysia throughout the 1980s, during which “Arab” cultural practices such as polygamy were absorbed by Malay-Muslims as essentially “Islamic” and superior to *adat* (Othman 2006:343; Rahim 2006:87).

Zeitzen's work must also be credited for highlighting women's emotional struggles – and fulfillment – as wives in polygamy. Women, too, resorted to polygamy as a way of navigating urban life (Zeitzen 2002:144). Societal expectations to conform to marriage and motherhood, women's desire to seek a legitimate sexual outlet, and a willingness to settle for a "part-time" husband made polygamy acceptable as a lifestyle choice for urban Malay women (Zeitzen 2002:86, 148, 153). In fact, she suggests, another major reason polygamy was "on the rise" was the "increasing availability of willing wives" (Zeitzen 2002:136). However, Zeitzen also notes that the husband's polygamy came at a heavy cost for first wives. The first wives she worked with, who were highly educated, financially independent and successful career women in their own right on equal standing with their husbands, found themselves in a double bind: although they wielded significant power in their professional lives and in their domestic affairs, they had to take great care not to appear to supersede their husbands in their pre-eminent authority in the marriage in both the public and private sphere (Zeitzen 2002:231). Thus, Malay wives were often compelled to be "nice" to their husbands "not due to love anymore", but rather to forestall their husbands from taking another wife – a deeply feared prospect that Zeitzen (2002:235) describes as "disempowering" for women. Whatever their inclinations towards sharing their husbands with another woman, polygamy was essentially "a burden Malay women must bear and be ready for in marriage" (Zeitzen 2002:205).

Although deeply insightful into the polygamous practices of a typically inaccessible section of Malay society, Zeitzen (2002:266) situates polygamy "firmly among elites" and asserts that it is an elitist practice because it is "not what ordinary people do". By contrast, I demonstrate in this thesis that polygamy does not discriminate based on wealth or status. Driven by desire – be it of the carnal or maternal kind – men and women occupying both ends of the socio-economic spectrum increasingly find themselves drawn to polygamy as a means of realizing various personal and conjugal aspirations. This is not to say that the financial foundations of the marriage are irrelevant; rather, I hope to show that women respond and adapt to polygamy in interesting ways that specifically correspond to their socio-economic circumstances. Money and financial independence, as will be apparent, feature as crucial determinants of a woman's decision to consider leaving, or continue living in, the polygamous arrangement. As Zeitzen (2002:234) dealt largely with Malay women of affluent backgrounds, polygamous wives' economic

qualms did not feature heavily in her work, and this is one aspect of Malay polygamy that I hope to detail in this thesis.

In maintaining that polygamy “remains the preserve of elites”, Zeitzen (2002:266) excludes much of the segment of the Malay population I have studied – those predominantly from the middle to lower-middle class sector of Malay society in both urban and “rural” or non-metropolitan settings – who were faced with similar emotional struggles around polygamy.⁹ Considering the relatively homogenous and wealthy economic status of her Malay informants, Zeitzen also does not emphasize how the husband’s limited financial resources may produce economic inequalities that spill into the emotional domain – and *vice versa*. On the contrary, the polygamous marriages I describe were unstable and precarious precisely because the unequal resource distribution created deep dissatisfaction and suspicions among wives. In other words, the addition of a new marriage caused the husband – and all he possessed – to be divided, with each wife receiving their respective (and unequal) share. On the other hand, I also demonstrate how a second wife’s possible superior earning capacity to that of her husband allows her to establish a relatively secure position in the marriage *vis-à-vis* the first wife. This intricate relationship between the emotional and the financial deserve attention because it is a key feature of many of the polygamous marriages I encountered. The polygamous marriages I studied confirmed Rosemary Firth’s (1966:49) observation that while wealth may be conducive to polygamy, its absence is not at all an impediment to this practice.

Polygamy in Malaysia has been politically and religiously contested in the public sphere. The Sisters in Islam (SIS), a local, “homegrown” Muslim feminist NGO, are highly critical of the Malaysian *ulama*’s promotion of polygamy as a religiously-sanctioned institution. The increased “liberalization” of Shariah laws on polygamy, they feared, would only make polygamy more accessible to men (Foley 2004:58; Shuib 2005:193).¹⁰ Maznah Mohamad (2010a:377; 2011a:180) argues that the Malaysian State’s

⁹ Though one could say that these “rural” areas have also been heavily “urbanized”, and thus the boundaries are not always clear.

¹⁰ Selected scholars who deal with polygamy’s contested position in Islam elsewhere include Al-Krenawi, Graham & Al-Krenawi (1997), Mir-Hosseini (2006), Yamani (2008), Nurmila (2009), Al-Krenawi, Graham & Al Gharaibeh (2011).

liberalization¹¹ of Shariah laws on polygamy demonstrates its project of “remaking the new Islamic family” anchored in a system of male privilege and entitlement rather than a concern for family well-being. This dissonance between men’s “(lack of) economic power” and his “actual ability” to support more than one family, she asserts, illustrates the State’s reinforcement of the right to polygamy as “a symbol of male Muslim masculinity” (M. Mohamad 2011a:180). However, such critical views of the Shariah provide only a partial view of how the State attempts to mediate the conflicting interests of men and women in marriage. Contrary to this view, I suggest that the Shariah can be maneuverable and responsive to women’s marital plight and concerns. Women do indeed profit from this flexibility within the Shariah by gaining easier access to marriage, as in polygamous and cross-border marriages, for example.

Although the Shariah may be seen as privileging male entitlement to polygamy (M. Mohamad 2011), my research with wives in polygamous marriages suggests that this male privilege at the level of practice could also translate into a female advantage. Polygamy, as I explain further below, is not an exclusively male pursuit; women too may seek polygamy to gain access to intimacy, companionship, motherhood, and economic security. This legal provision for polygamy, which protects the rights of subsequent wives in the marriage, shows that the Malaysian Shariah system also attempts to be rather sympathetic to the plight of both men and women. This is illustrative of the leniency and flexibility of Islamic law, which does to some degree respond to women’s desires and circumstances. As such, I suggest that it would be only partially true to speak of the Malaysian Shariah system as being “patriarchal”, particularly as my fieldwork demonstrates that it does, to some degree, also accommodate the interests of some wives, even while explicitly benefiting men.

Having addressed the politicization of polygamy in contemporary Malaysia elsewhere (Nurul Huda 2012), in this thesis I offer a micro-cosmic study of Malay polygamous marriages where women take center-stage, shifting the spotlight away from the husband

¹¹ For example, in 1996, the state of Selangor removed the condition requiring men to procure their first wife’s (and any other existing wives’) written permission for remarriage (M. Mohamad 2009:104). Moreover, the fifth condition for polygamy stipulating that the husband’s polygamy would not cause a decline in his existing wife (or wives) and children’s economic status was also eliminated, thus loosening men’s economic responsibilities to their families (M. Mohamad 2011a:181).

figure. Men have already featured prominently in earlier anthropological accounts of polygamy (see Radcliffe-Brown and Forde's 1975 [1950] edited volume). These works were among the pioneering anthropological studies to touch on polygamy from a structural-functionalist perspective, but they predominantly focused on polygamy as a male-centric institution which added and expanded on what a man already had: status, prestige, political alliance, progeny, access to sexual pleasure, and economic prosperity (E. Goody 1973; Kuper 1975; Forde 1975; Wilson 1975; Gluckman 1975). However, these studies attributed limited attention to how polygamy is experienced through the eyes of the wives themselves, who featured largely as jealous, bickering, sorcery-prone wives (E. Goody 1973:108; Wilson 1975:138; Gluckman 1975:180; Fortes 1975:281). This male-centeredness in the study of polygamy was countered by Boserup (1970) and Jack Goody (1976), who have offered significant interventions in their studies of women's economic role in polygamy. Boserup (1970) argues that women's role in production and distribution makes them productive economic agents, and therefore desirable as wives.¹² Jack Goody (1976:184) on the other hand asserts that the driving factors behind polygyny are "sexual and reproductive rather than economic and productive". This is based on his observation that incidences of polygamy tend to be higher in African societies where men perform a heavier agricultural role than women, thus refuting the theory that more wives lead to more labor sources.

While these studies highlight women's economic relation to polygamy, they do not address how the fickleness of love could direct the flow of resources in polygamy in unpredictable ways, and how these may in turn affect spouses' experience of love and intimacy in the marriage. When practiced in urban settings where men are the sole breadwinners of the family, wives in polygamy can be "an economic burden rather than an asset" (Boserup 1970:35). Taking Boserup's point as my departure, I demonstrate how within a milieu of cultural expectation in which the husband is assigned the role of the primary provider, polygamy contributes to a *division* rather than an *addition* of his economic and emotional resources. In a climate of economic uncertainty in the marriage, "love" in polygamy is experienced in visible and measurable forms as it is constantly

¹² Conversely, women too could seek to benefit economically from polygamy, particularly to a wealthy man. The female choice theory argued by Kanazawa (2001:1138) and Kanazawa and Still (1999:26) suggests that women may prefer polygamy to a rich man rather than monogamy to a man with more limited means.

tested against the husband's ability to fulfill his economic responsibilities. As many of the polygamous marriages I studied were from a middle to a lower-middle socio-economic background, money – or rather, its constant insufficiency – constituted a major concern in the everyday dynamics of marriage. Both the first and second wives' dissatisfaction with polygamy often arose from the economic struggles of having to cope with the husband's (usually limited) financial resources, shared (at times, unequally) between his wives. I thus suggest that "love" is not only in and of itself a resource expected to be distributed "equally" between the husband's wives and families, but in its measurement and examination, it also becomes a palpable measure of emotional inequality. Such economic anxieties constitute a common reason why Malay first wives have typically expressed a preference for divorce rather than sharing a husband (R. Firth 1966:49; Downs 1967:140).

On the other hand, I have also encountered evidence from my fieldwork that suggests that polygamy could in fact contribute to a husband's economic prosperity. This especially concerned polygamous marriages where the second wives possessed and contributed their own economic capital to the husband and their stepchildren, as my informant Karina, whom I introduce in Chapter 6, did. Through Karina's case, I delve into the experiences of never-married women who settle for being second wives: those who are highly-educated and have a successful career, but desiring what Zeitzen (2002:149; 2008:72) calls a "part-time husband". These women are in many ways independent and self-sufficient, but societal expectations to marry, a desire to have children, and to secure some sense of companionship and emotional security all make polygamy with a married man the preferred option to spinsterhood. As key financial contributors in the marriage, these second wives could negotiate for greater access to intimacy, autonomy, and respect – particularly from first wives, who could be assured that the introduction of a new, affluent spouse would not jeopardize her own access to the husband's resources. These polygamous marriages, rendered possible by women's increasing access to employment and economic independence, illustrate how polygamy could indeed enrich rather than exhaust a man's wealth, and maximize women's chances of securing conjugal fulfillment.

By offering an ethnographic study of Malay polygamy, I hope to contribute to a growing body of more contemporary literature on polygamy across different cultural contexts. Nina Nurmila's (2009) study of polygamy in Indonesia, where it is institutionalized in the

1974 Marriage Law, offers an interesting comparative case to Malay polygamy. As in Malaysia, polygamy was met with a renewed interest and increased adoption with the wave of Islamic revivalism, whose advocates followed a more literal interpretation of the Qur'an that regarded the male right to polygamy as incontestable (Blackburn 2008:96; Nurmila 2009:45). When appropriated by the proponents of "Islam" who upheld polygamy as a prophetic practice (*sunnah rasul*), polygamy could prove damaging for women, who feared that expressing dissent against their husbands' polygamy would equate to rejecting their religion too (Nurmila 2009:146). As a result, Nurmila surmises that the wives she encountered found it difficult to negotiate their marital security in polygamous unions, particularly when polygamy was cloaked in such a divine aura of incontestability.

Among Mormon and Mennonite colonies in the Chihuahuan Desert, polygamy is rooted in a larger religious framework of what Bennion (2004) calls "desert¹³ patriarchy". This model is characterized by a system of male supremacy and theocratic hierarchy in which "God was at the head; men, empowered with the holy priesthood, were on the next level; and women and children were at the bottom" (Bennion 2004:44). Polygamy, promoted as a "proof of obedience to God's laws", is a crucial part of the desert patriarchy model: men are promised the capacity to "govern eternal worlds" through raising multiple extended families, and women too could reap similar rewards if they commit to the same project (Bennion 2004:44). Thus, men and women are given strong religious and spiritual incentives to participate in the institution of polygamy, which perpetuates male patriarchy within the system.

However, Bennion (1998:7) argues that this dominant male structure would not have been possible without an underlying system of female interdependence that emphasizes "autonomy, mobility, female solidarity, and goddess worship".¹⁴ This female network unofficially sustains the male dominating system by providing for women's economic, emotional, and political needs (Bennion 1998:9, 2004:7). In this system, "sisterwives" (as

¹³ The desert, according to Bennion (2004), offers a productive environment for Mormons to reproduce – both theologically, and demographically – as a community.

¹⁴ The presence of an "alienating patriarchal control" is in fact conducive to a stronger network of female solidarity, which creates both "a united opposition to the priesthood of the males" and "individual respite from the demands of a dominating husband" (Bennion 2004:6).

co-wives are called) cooperate and collaborate in the joint project of raising a family in the united pursuit of the Kingdom of God: they “share the workload, their prayers, child care, and the typical heartaches of womanhood; they provide essential company for each other during the recurrent absences of their husbands” (Bennion 2004:6-7). In a hierarchical environment where men are spiritually and politically superior to women, women find solace and support in each other that helps mitigate their day-to-day struggles as polygamous wives, mothers, and subjects of the Kingdom of God.

Mormon polygamy differs from the Malay polygamy I explore in this thesis, but has similar identifiable characteristics in the kind of polygamy practiced by a Malaysian Islamist group known as the Global Ikhwan (“Global Brotherhood”) – a reincarnation of the Islamic sect Darul Arqam that was banned by the Malaysian government in 1994.¹⁵ As part of Darul Arqam’s vision to build a global Islamic empire, transnational marriages and polygamy among their members were strongly prescribed; their leader Ashaari Muhammad himself was married to four wives at a time (Abdul Hamid 2006:111, footnote 153). For Arqam members, polygamy was a prophetic practice and a tradition of the pious (“*tradisi orang soleh*”), and women sought polygamy as an easy path towards attaining salvation in heaven (“*jalan mudah ke syurga*”) (Mohd. Yusof 2010:157-8). Arqam women were taught first and foremost to “obey” (“*taat*”) their husbands, and the greatest reward was achieved through allowing one’s husband to be polygamous (Mohd. Yusof 2010:158).

This culminated in the formation of a hotly-debated “club”, known as the Obedient Wives Club (*Kelab Taat Suami*), in 2011. This club, led by one of Global Ikhwan’s female leaders, Fauziah Ariffin, not only offended the sensitivities of many Malay women by encouraging them to concede to their husband’s wishes for polygamy – a practice received with much aversion and hostility, as I demonstrate in Chapter 6 and 7. It also caused a stir with the publication of a controversial sex guide (available to the public)

¹⁵ Darul Arqam gained significant popularity in Malaysian and abroad in the 1980s under the charismatic leadership of its polygamous leader, Ashaari Muhammad (Abdul Hamid 2006:85). It was not simply an Islamic “study group”; its strength and influence grew from the 1970s onwards to attract highly-educated professionals and businessmen, who helped build the organization into a transnational business empire with business interests across Southeast and Central Asia, Europe, and the Middle East (Abdul Hamid 2006:85). Darul Arqam was later banned in 1994 by Mahathir Mohamad however, when its rising popularity gained a political momentum that threatened the hegemony of the ruling government (Abdul Hamid 2006:92).

entitled *Seks Suci Islam* (Holy Islamic Sex) in 2012. Aimed primarily at wives, this guide emphasized the need for women to sexually please their husbands, who, the Club argued, would not fall into the temptation of seeking pleasure elsewhere if their “needs” were met at home (Ahmad Fadli 2012). It isn’t hard to see how such logic ensures that the moral blame for a polygamous union rests with the wife who failed to stimulate and fulfill her husband’s sexual desires. For the Obedient Wives Club, polygamy serves as a gatekeeping strategy for ensuring that men find sexual satisfaction – and variety – within matrimony, and women are held responsible for a straying husband’s sexuality.

The Obedient Wives Club, and its parent group the Global Ikhwan, feature minimally in my research however, as the club’s practice of polygamy runs contradictory to the mainstream polygamy more common in Malaysia. Their polygamy is ideologically driven rather than being the unexpected result of “accidental” or “unplanned” forays into (for men, post-marital) love. My brief contact with the Global Ikhwan occurred when they responded to my request for a meeting by inviting me to a lunch of chicken rice at one of their restaurants in the state of Melaka, jointly managed by the second and third wife of a man I was invited to interview. From our conversations, it was evident that he was proud of his four wives, each of whom helped run one branch of his many businesses or another. Whenever one wife was busy, one of her co-wives would assist with childcare and the domestic demands of the household. Although each wife resided separately, their houses were usually situated within the same housing estate, and only “two or three streets away” (“*selang dua-tiga jalan saja*”). The husband, whenever home, also made praying together (“*sembahyang berjemaah*”) with all his wives and all his children a regularity to foster a sense of familial intimacy (“*hubungan kekeluargaan*”) crucial to the cohesiveness of the family unit.

This depiction of a supposedly harmonious polygamous family life presented to me did not resonate with the Malay polygamous marriages I encountered in my fieldwork. The polygamous marriages I came to know were always wrought with some sense of suspense and secrecy, and lacked the transparency evident in the Global Ikhwan’s exceptional case. During this brief glimpse into Global Ikhwan’s polygamous ideal, I also gathered a sense of co-wife cooperation, open communication, and domestic collaboration that was unusual to see in my research into Malay polygamy. In Chapter 6 and 7, I demonstrate that co-wife rapport in the polygamous marriages I knew tended to range from covert

hostility leading to mutual suspicions (and actual practice) of sorcery to, at best, mild tolerance and resigned coexistence. Indeed, relations between the wives were usually characterized by varying degrees of competition for the husband's resources, thus making a harmonious existence almost unachievable in Malay polygamy.

To keep levels of discord between wives to a minimum in the polygamous marriages I encountered, each wife and her children lived in separate houses. In examining the "multi-local" nature of Malay polygamy, I illustrate how the monogamous marriage model pervades even polygamous arrangements, which function as bounded conjugal units, each constituting the husband, one wife, and her children. Malay polygamy thus operates as "a set of individual unions, with the man as the common partner in each" (R. Firth 1966:54), or what Malinowski (1962:32) calls "multiple monogamy". This makes Malay polygamy domestically different from the form of "joint domesticity" (Malinowski 1962:32) common in African polygamous marriages. In this extended household, all the husband's wives and children cohabit in the same compound, and some degree of co-wife economic exchange, commensality, and household task distribution normally occurs (E. Goody 1973:109; Wilson 1975:112). Despite the geographical distance between each conjugal unit within the polygamous family, feelings of jealousy, and suspicions of sorcery can nonetheless have a significant impact on matrimonial life. As I illustrate in Chapter 6 and 7, distance could in fact breed co-wife animosity and hostility, particularly when the husband took an impartial stand in mediating relations between his wives and families.

Though wives in polygamy constitute the primary focus of this study, their husbands do receive some attention in Chapter 7, where I demonstrate the double-bind the polygamous husbands I encountered found themselves in. In the final chapter, I illustrate how despite polygamy's promises of increased access to sexual pleasure for husbands, some have found the logistical and emotional difficulties of maintaining multiple wives and families difficult, leading to much discord and distress rather than happiness and contentment. The multi-local arrangement requires the polygamous husband to expend much of his physical and financial resources on meeting the economic and emotional needs of his dispersed households. In dividing his time and economic and emotional resources rather arbitrarily between his two families, the polygamous husband-father amplifies the feeling of lack and distance that inevitably compromises familial intimacy. From this, I surmise that in

Malay polygamy more wives, families, and responsibilities often translate into less happiness, stability, and contentment for everyone involved.

III. Chasing Intimacy

A study of Malay intimacy that encompasses out-of-state marriages – sometimes contracted by way of an elopement – necessitated a multi-sited ethnographic investigation in Malaysia and Southern Thailand over the course of 14 months (from August 2014 to September 2015). Although I acknowledge the strengths of conducting long-term, single-sited, in-depth ethnography for what Geertz (1973:6) calls “thick description” (Hannerz 2003:28; Falzon 2009:7), this would not have been possible for the study of marriages contracted out-of-state, often covertly and illegally. Thus, to better capture Malay cross-border marriages, I decided to follow Marcus’s (1995:106-10) “multi-sited” method of “following” this phenomenon as it developed on both sides of the border. Although slightly concerned that my multi-sited approach would compromise the satisfactory balance of “depth and breadth” (Mazzucato 2009:215) in my research, the mobility of my fieldwork ultimately reflected the effort invested by my Malay informants themselves in their pursuit of “*halal*” intimacy across state laws and borders, even risking their lives in the process of doing so.¹⁶

Though Islam is the official religion of the country, Malaysia prides itself on being a “moderate” Muslim nation in which its Muslim majority co-exist – with varying degrees of “harmony” – alongside members of other ethnoreligious groups (Hamayotsu 2012). Despite its multi-religious and multi-ethnic makeup, each ethnic group retains its own religion, cultures, and traditions. Inter-religious marriage between non-Muslims (those professing any faith other than Islam) is permitted under civil law according to the Law Reform (Marriage and Divorce) Act 1976. However, this Act explicitly excludes

¹⁶ Southern Thailand has been the site of violent separatist conflict between Muslim groups and the Thai-Buddhist state, and has seen many incidences of shootings and bomb explosions over the years.

Muslims, who are subjected to the Islamic Family Law instead.¹⁷ Inter-religious marriage, where it concerns a Muslim, is thus not permitted under the Shariah, unless the non-Muslim partner converts to Islam first (Sim 2010). This eliminates any possibility of an inter-religious marriage between Muslims and non-Muslims in Malaysia. Indeed, all my informants were Malay-Muslims who similarly married Malay-Muslims for the convenience of having a spouse who shared the same religion, language, and culture. Marriages in Malaysia thus tend to keep along ethnic and religious boundaries, and for the most part are rather ethnically homogenous.

The Malaysian State is enthusiastic in its support of “*halal*” conjugal love between spouses, but less tolerant of alternative forms of sexuality. Homosexuality is condemned as a “sin” (“*dosa*”) and constitutes a legal offense under Malaysian Shariah laws, which impose fines for homosexual acts such as sodomy, or *liwat* (Shah 2013). Despite Malays’ reservations against pre- or extra-marital physical intimacy, a survey of the literature on teenage sexual activity in Malaysia suggests quite definitively that such contested sexual relations (including sexual intercourse) do occur among Malay teens.¹⁸ Active sexuality among young women is furthermore apparent through the high rate of teenage pregnancies occurring across the country, of which 80,979 cases were reported between 2006 to 2010 (Abd. Ghani et al. 2014:617). News of these cases was often met with shock at the brashness with which youth venture into the realm of pre-marital sexuality. However, as I was mostly involved with adult women in their early 20s onwards in settings such as the Shariah Courts and offices of the Islamic Bureaucracy during my fieldwork, I had limited encounters with young adults in schools or in their private homes. For this reason, my study is primarily centered on Malays’ courtship practices that, for the most part, lead to some form of conjugality. Some of these courtships may implicitly involve pre- or extra-marital sexual engagement, but this was usually more than merely an act of sexual experimentation, forming part of a longer trajectory towards the secure fulfillment of “*halal*” intimacy through marriage.

¹⁷ The Law Reform (Marriage and Divorce) Act 1976 (3.3) explicitly states: “This Act shall not apply to a Muslim or to any person who is married under Islamic law and no marriage of one of the parties which professes the religion of Islam shall be solemnized or registered under this Act.”

¹⁸ Studies addressing the prevalence of pre-marital sexuality among young adults in Malaysia include Zulkifli and Low (2000), Lee et al. (2006), Jaafar, Wibowo & Afiatin (2006), Abdul Rahman et al. (2011), Wong (2012), Nik Farid et al. (2013), Abdullah et al. (2014), Abdul Manaf et al. (2014), Abd. Ghani et al. (2014), Mohd Suan, Ismail & Ghazali (2015).

My fieldwork began with visits to the cities of Hat Yai and Songkhla in the Songkhla Province of Southern Thailand, to which I was directed more by circumstance than by choice. Songkhla seemed the most sensible site in Southern Thailand for this research as it was more politically stable than other neighboring provinces such as Pattani and Yala in Southern Thailand which are experiencing separatist conflict. Songkhla also had the added advantage of being the location of the Malaysian Consulate General – a crucial node and validating authority in the process of cross-border marriage in Thailand. Through distant family connections, I was able to arrange a guided passage to Songkhla through the Bukit Kayu Hitam land immigration checkpoint (in the northwestern Malaysian-Thai border) for a “pilot” visit, and to return for another fruitful second visit, both of which totaled to about two months.

The Central Mosque of Songkhla became one of my primary sites of research here, as this was where Malaysian couples from all over the country came to contract their *nikah* (marriage), either accompanied by a paid agent or independently. This Mosque also housed one of the five Provincial Council of Islamic Affairs (PCIA) recognized by the Malaysian Islamic Bureaucracy as able to marry Malaysian subjects. At the PCIA, I conducted participant observation, even receiving access via a *jurunikah* (marriage officiant) to observe the *nikah* ceremonies of marrying Malaysian couples (with their permission). I also interviewed Thai officials and *jurunikah*, and the Malaysian couples who came here to contract their marriage along with their agents.¹⁹

¹⁹ My interviews with these Thai officials were conducted in a Malay dialect widely spoken in Kelantan, Terengganu and the southern Thai provinces, which are still predominantly ethnically Malay.

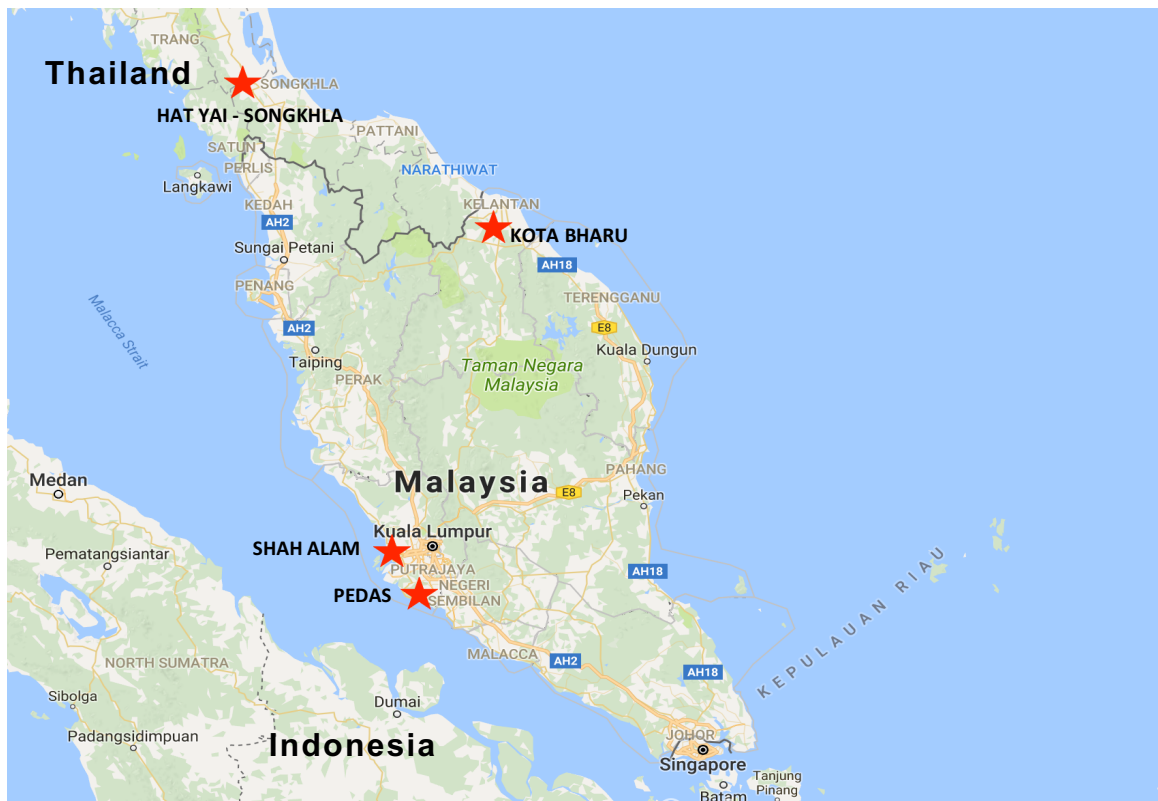


Figure 3: Field sites in Malaysia & Southern Thailand

My secondary site of research in Thailand was the Malaysian Consulate situated in the town of Songkhla. The Consulate is where Malaysian couples would submit their *nikah* documents for further verification from a remote representative of the Malaysian State after contracting their *nikah* at the Central Mosque of Songkhla or any of the four other equally accredited PCIAAs.²⁰ The Malaysian Consulate issues a certification letter confirming that the *nikah* did indeed take place at the date, time, and place declared and by a recognized authority, without which judges validating these marriages in certain Malaysian Shariah Courts would refuse to proceed with the case. Although my Malaysian informants eloped to Thailand with the intention of evading “bureaucracy”, they soon discovered that contracting their *nikah* on the Thai side of the border invited an even more complex set of legal-bureaucratic challenges upon their return to Malaysia.

This then became my next pursuit after returning to Malaysia. My fieldwork continued in the city of Kota Bharu in the northern Malaysian state of Kelantan, where I stayed for

²⁰ These PCIAAs are in four other provinces of Southern Thailand: Satun, Narathiwat, Yala, and Pattani.

nearly five months. Kelantan was a productive site not only for the study of cross-border marriages, widely facilitated by the accessibility of Thailand by land²¹; the Kelantanese state's unique brand of Islamic governance known as *kepimpinan ulama* (ulama leadership) also made Kelantan exceptional in its slightly stricter approach towards policing pre- or extra-marital intimacy compared to the rest of Malaysia. My research in Kelantan was also rather timely, as in March 2015, the Kelantanese government unanimously approved an amendment to the legal Shariah Criminal Code to enforce *hudud*²² laws in the state of Kelantan, which, however, failed to receive federal approval from the Parliament. Nonetheless, this push towards *hudud* raised concerns throughout Malaysia of an increasingly Islamized force in Kelantan that might challenge the more mainstream inclination towards a more “moderate” Islam.

Kelantan's eastern coast is met by the South China Sea, and it directly borders Thailand to its north. Its comparatively small population of 1.8 million people (as of 2016) is predominantly Malay and Muslim (Department of Official Statistics 2016a). In 2010, Kota Bharu – its largest and most urban city, also the hub of the state's political, religious, and financial activities – had a population of 314,964 people. Of this number, 285,847 (an overwhelming 90.7%) were Malay and Muslim (Department of Statistics Malaysia 2011).²³ Even as Kelantan's largest and most urban city, Kota Bharu still retains a sort of small-town feel evoked by the occasional presence of rickshaws (*beca*) in the streets, wooden shop houses clad in fading paint perhaps dating back to the colonial era, and royal palaces and historical buildings scattered around the city. There aren't any towering skyscrapers in Kota Bharu. Kelantan still has the lowest level of urbanization compared to the rest of the country at only 42.4 per cent as of 2010, and also seems to be economically less prosperous. For example, Kelantan has the second highest incidence of poverty in the country at 2.7 per cent (Department of Statistics Malaysia 2012). Furthermore, the mean monthly household income in Kelantan as of 2012 was only RM3,168 (around GBP625) – the lowest in all of Malaysia – which fell short compared to the average household income for all of Malaysia at RM5,000 per month (GBP1000) (Department of Statistics Malaysia 2012).

²¹ The closest land immigration checkpoint for entry into Thailand, Rantau Panjang, is only 45 kilometers away from Kota Bharu.

²² *Hudud* laws are Islamic punitive measures for crimes such as apostasy and adultery.

²³ The rest of the population are made up of Chinese, Indian, or indigenous groups (*orang asli*).

Kelantan's less advanced socio-economic standing compared to the rest of Malaysia makes it suitable as a site for the anthropological study of marriages across the socio-economic spectrum. Maznah Mohamad and Rashidah Shuib's (2011) study of the interrelationship between poverty and marriage in a rural Kelantanese village bordering Thailand demonstrates how socio-economic instability and poverty both contribute to divorce, and are in themselves an outcome of divorce. This village serves as an "ultimate social safety net", where men return once they could no longer secure employment elsewhere, and where women resettle following an unhappy marriage or divorce (M. Mohamad & Shuib 2011:158). The fluid formation of families in this village is similarly discernible in the Kelantanese marriages I encountered during my fieldwork in more urban areas such as Kota Bharu, where marriage, remarriage, cross-border marriage, polygamy, and divorce constituted key household survival strategies. This speaks to the dissolvability of marriage, particularly in this region known in the 1950s for its unusually high divorce rate – highest in the peninsula, in fact (Raybeck 1974:208), and also in the world (Jones 1997:96)! From 1948 to 1957, the percentage of marriages ending in divorce in Kelantan was 70.96%, which fell to 65.9% in 1966 (Raybeck 1974:228). Indeed, this ease of divorce was reflected in how the Kelantanese women I knew did not hesitate to pursue a divorce if their husbands began to pose an economic burden, and to transition into polygamy as a means of securing economic security.



Figure 4: Traditional Malay Wooden House in the Outskirts of Kota Bharu, Kelantan

Many houses in Kelantan, such as the one pictured above, still retain their traditional charm and characteristics.



Figure 5: Muhammadi Mosque in downtown Kota Bharu, Kelantan

The mosque, built in 1867, serves Kelantan's hub of Islamic activity.

In order to study the processes of marriage-making and marital dissolution in Kelantan, my fieldwork largely centered on Kota Bharu's Shariah Court. At the Court, I conducted participant observation in the courtrooms and judge's chambers on Mondays to Thursdays in the morning, followed by interviews in the afternoon with women I met in and around the court who were there for various purposes (usually to seek a divorce, secure child custody, or the most common – to validate their cross-border marriage contracted in Thailand). When offered the rare opportunity to meet judges, I interviewed them during gaps between proceedings or trials in progress. I was also granted access to the court's archives, which allowed me to conduct an archival study of past divorce, polygamy, and cross-border marriage applications from 2009 to 2014.²⁴

In Kota Bharu, I also mingled with the female vegetable and *batik*²⁵ merchants and their customers in the Siti Khadijah Central Market and the nearby Bazar Buluh Kubu,²⁶ where I learned to appreciate the entrepreneurial spirit of Kelantanese women noted by Rosemary Firth in her seminal study (1966). I chose to engage in public spaces where my informants spent a substantial portion of their day “making a living” (“*mencari rezeki*”) because of how jealously my female Kelantanese informants guarded their economic independence from being impinged by the husband after marriage. The markets also offered me an alternative locus for encountering women beyond an emotionally tense setting such as the Shariah Court, where I was frequently presented with a pathologized perception of marriage culminating from my interlocutors' own unfavorable experiences of marriage, divorce, and often, remarriage.

From Kota Bharu, Kelantan, I directed my fieldwork southwards to Shah Alam, the capital of the state of Selangor, to investigate how the legal plurality in the Malaysian Shariah system might yield different approaches in the bureaucratic management of polygamous and cross-border marriages. I chose Shah Alam as a site for this subsequent endeavor following the suggestion of a Shariah lawyer friend of mine, who alerted me to its Shariah Court's reputation as the biggest and most robust in Malaysia, and the

²⁴ As Kota Bharu's Shariah Court just moved to a new building in 2015 (the year I started my research there), older files from before the year 2000 had yet to be moved to this new archive.

²⁵ *Batik* are silk textiles decorated with hand-drawn designs, for which Kelantan is well-known.

²⁶ Bazar Buluh Kubu is a market in Kota Bharu specializing in the sale of *batik* textiles and *tudung bawal* (a type of headscarf popular among women in Malaysia).

possibility of encountering more affluent Malay couples engaging in polygamy in this area. Shah Alam, where I spent two months, indeed presented an interesting comparative dimension to Kelantan; while remaining predominantly Malay (like Kota Bharu), its Malay population was more educated and economically affluent, consisting of entrepreneurs, academics at a local university headquartered there, or private sector employees working for multinational companies that had outsourced production to Selangor. In accordance with Thambiah (2012:154), who was writing on Selangor, I also found that business owners constituted the bulk of polygamous husbands in my interviews and in polygamy applications in Shah Alam's Shariah Court. I employed similar methods of participant observation and archival research in Shah Alam's Shariah Court as I did in Kota Bharu, and discovered that the legal contraction and dissolution of marriages here, especially polygamous ones, differed in certain respects.

In the final three months of fieldwork I was warmly received into the home of a polygamous family, whom I had known prior to my research as family friends. This home was situated in a tranquil village near Pedas, in the state of Negeri Sembilan, about an hour's drive from Kuala Lumpur. This family was constituted of a polygamous husband, his first wife, and their three grown daughters – all in their late 30s or early 40s. All the daughters held full-time jobs in Kuala Lumpur and therefore regularly spent weekdays away in their own houses near Kuala Lumpur. The eldest daughter, Karina, was the only married daughter, but her *jodoh* (marital fate) was as a second wife to a married man. This marriage produced a son – the family's first and only grandson, adored and doted on by all. Karina too lived with her parents on weekdays so the family maid could care for the son while she worked in Kuala Lumpur. Her polygamous husband would spend several nights here too if it was Karina's "turn" in the roster.

During my stay in the household, I served as kitchen helper, researcher, and childminder; indeed, for the most part, the family relied heavily on my youthful stamina to chase their energetic child around the house, as the maid would busy herself with housework. My active participation in such domestic affairs were nonetheless valuable in inculcating an awareness of how polygamous wives typically shoulder the burden of parenting and household management on their own, with minimal cooperation from their husbands. Polygamous wives must learn to be resourceful in household matters (for example, by relying on kin networks for childcare), particularly with the division of the husband's

time, attention, and money between two (or more) families. As I got more closely acquainted with my host family, I discovered that Karina's mother-in-law was also in a polygamous marriage, being the first of her husband's two wives. My exposure to this family granted me access to a multigenerational polygamous family which, even after decades of polygamy, was still attempting to stabilize itself with the constantly changing demands of time.

Due to the sensitive nature of polygamy among Malays, a great deal of tact and sensitivity were required while conducting this research to ensure that potentially harmful information did not reach any unintended recipients. One example of this was when I became acquainted to both – or one of the – wives married to the same man, who were not aware that their husband had married another woman. Being a Malay-Muslim female researcher myself, it seemed almost natural that I would gravitate towards women while studying marriages. At times it was rather awkward for me to approach polygamous husbands for interviews, except if they were accompanied by their wives. It would have been highly inappropriate for an unmarried female researcher and another woman's husband (*suami orang*) to be engaged in a long exchange, even in public spaces such as cafes and restaurants.²⁷ While living with my host family, I faced several ethical dilemmas that prevented me from approaching my host mother's (deeply resented) co-wife. My personal connection to my host mother meant that I was able to learn about only one side of the marriage. Nonetheless the methodological challenges I faced in the course of this study further reinforced my sense of polygamy's socially contested status in Malay society.

IV. Polygamous Spouses

While conducting research in Kota Bharu and Shah Alam's Shariah Courts, I was granted access to the court archives and files relating to polygamy applications and the registration of cross-border marriages. This, in addition to the spouses and couples I

²⁷ Academic interest in their marriage in these situations might be misinterpreted by the husbands as an interest of a different kind.

encountered face-to-face in everyday settings, gave me a comprehensive view of the emerging demographic trends relating to monogamous and polygamous marriages in Malaysia that differed from popular perception. During fieldwork, I often encountered attempts to justify polygamy in demographic terms, but these seemed to be far off the mark. Contrary to popular belief (particularly among men) that men outnumber women in society today, statistical data suggested otherwise: the gender division in the population was actually in favor of men.²⁸ A State-led nationwide study conducted in 2010 further revealed that unmarried men exceeded their female counterparts in number, indicating that there were fewer marriageable women compared to men.²⁹ Furthermore, in Kelantan, the high divorce rate compared to the rest of Malaysia has resulted in many women (often very young, in their early 20s and 30s) becoming struggling single mothers without the “protection” of a husband.³⁰ Technically speaking then, polygamy could upset the gender imbalance even further if one man were to take more than one woman in marriage.

My informants during fieldwork included Malay men and women of varying ages, who were at various marital stages of their lives. Some were still courting, while others were engaged, married, divorced, or remarried. The Kelantanese women I encountered were more likely to remarry after a divorce compared to those I met in more urban areas of Malaysia such as Kuala Lumpur. Peng (2011:152) suggests that the “relative ease and tolerance” among Malays towards remarriage makes it a common progression after divorce, particularly in less urban areas. Rural women are also more likely to marry younger, to divorce while still at a marriageable age, and to remarry to secure a source of financial support (Peng 2011:152-3). Indeed, while in Kelantan, it was not unusual to

²⁸ There were 910,000 men, and 890,000 women in Kelantan (Department of Statistics Malaysia Official Portal 2016). This slight disproportion in the male-female population in which men outnumbered women applies to other states throughout Malaysia as well with the exception of the Federal Territory of Putrajaya and Perlis. Amartya Sen (1990), in his seminal article “More Than 100 Million Women Are Missing”, suggests that the higher population of men in some countries can be explained by boys receiving preferential access to healthcare, and also other factors such as women’s limited access to “gainful employment”, education, and economic rights – all of which could determine their well-being or neglect in the family. In Kelantan, as I will explain in later chapters, women’s precarious marital position does seem to result in economic hardship that can affect their and their children’s well-being.

²⁹ Whereas 37.8 per cent of Malay men above the age of 15 were unmarried, only 32.2 per cent of Malay women above the age of 15 were unmarried (Department of Statistics Malaysia Official Portal 2011).

³⁰ This allowed many polygamists I interviewed (who had indeed taken one of these many struggling mothers as their second wives) to depict their motives for polygamy in a benevolent light – “to lighten the burden of women” (*“Nak ringankan beban wanita”*).

meet women who were married to their second or third husband. One Kelantanese woman I met in Kuala Lumpur recounted to me the conjugal conquests of her own mother who had been married to five men before and was now married to her sixth.

Most first wives I met were typically aged above 40, and often had little choice or say over the transition of their marriage into polygamy. Their husband's remarriage was thus often experienced as a drastic rupture after years of monogamy. Although some first wives continued to maintain their employment and earning capacity after marriage, many also sacrificed their careers to build a family and raise their children at home and were therefore entirely economically dependent on the husband.

The second wives I met almost predictably fell into two categories. The first was that of the divorcée (*janda*) or single mother (*ibu tunggal*) seeking the companionship (and, if within his means, the financial support) of a man who could also become a substitute father figure to their growing children. Nearly half of the second wives I met in Kota Bharu were from this category, aged between their 20s and 50s. The second category included the high-flying, well-educated, financially independent career woman who had dedicated much of their younger years towards pursuing higher education and building a career. This significantly delayed their marriages, and reflects a wider trend in Southeast Asia noted by Jones and Yeung (2014:1573) where increased urbanization and education seem to lead to "rising levels of singlehood" among women.

A brief archival glance into the occupational background of second wives in Kelantan suggests that very few of them occupied high professional positions, with most working in supporting roles such as administrative assistants and clerks (notably, often in the same offices as their husbands). This indicates that very few of them have actually undergone, or possibly possessed, a high degree of formal education. Many second wives were housewives or unemployed, suggesting that they were financially dependent on their husbands. Although husbands were indeed expected to shoulder the responsibility of providing sufficient economic support to all wives equally, I discovered that many second wives with some independent earning capacity of their own were in fact financially contributing to their husbands, rather than the other way around. Nonetheless, this brief glimpse into the economic circumstances of second wives as revealed in the archives is an indication that in Kelantan, the first category of widows and divorcées engaging in

polygamy is certainly more represented than the alternative group of secret successful second wives marrying for the first time I encountered more frequently in urban, metropolitan cities such as Kuala Lumpur and Shah Alam.

Polygamy for men in Malay society has historically been associated with the aristocracy (Jones 1994:270; Thambiah 2012:151-153). However, while wealth may be conducive to polygamy, as Rosemary Firth (1966:49) observantly notes, its “absence” does not necessarily act as a “deterrent” for men to become polygamous. Indeed, Southern Thailand attracts aspiring Malaysian polygamists from both ends of the socio-economic spectrum, more notably among the less wealthy whose unstable financial standing might deny them legal permission from the Shariah Court to practice polygamy. My examination of 100³¹ of these case files from Kota Bharu’s Shariah Court archives confirms that polygamists in Kelantan showed great diversity in their socio-economic, educational, and professional background. Of these 100 marriages, slightly over a fifth of the polygamous husbands were businessmen (*berniaga*), a tenth self-employed (*kerja sendiri*), with the rest being involved in a wide range of occupations in the public and private sector ranging from teacher to restaurateur, and from retired army officers to laborers in construction sites. It is significant to note that only ten percent of these polygamous husbands claimed to be earning a monthly income of between RM5,000 to RM10,000 (£1,000 – £2,000), which is a significantly higher amount than the average income of between RM1,000 to RM3,000 (£200 to £600) the bulk of my informants typically earned in the public or private sector.³² This suggests that while men of higher-than-average income-earning capacity certainly fit well in the profile of a Malay polygamist, men with considerably lower financial resources similarly aspired to marry two – even three – wives at the same time. This was significantly facilitated by second wives retaining their financial independence through maintaining their own source of income independent of the husband.³³

³¹ These files from 2012 to 2015 were randomly selected by the court official who assisted my enquiries.

³² This information was obtained from a survey of about 50 informants I conducted in Kuala Lumpur, as well as from marriage applications from the archives of the Shariah Courts in Kota Bharu and Kuala Lumpur.

³³ In fact, these second wives resolved to forego their financial rights in order to protect the husband’s continued companionship in the marriage, as significant changes in his income would arouse his first wife’s suspicions.

The Malay polygamists I encountered were usually in their 40s to 50s, and had been married to their spouse for a decade or two before marrying another woman they had “fallen in love with” (“*jatuh cinta*”). Men of these age groups were also more prone to polygamy because many would, by this point, have reached a stable stage in their career and would thus be able to attract and maintain an additional wife. Moreover, many at this age claimed to have reached a stage in their existing marriage which they described as lacking “excitement” (“*keseronokan*”) and sexual intimacy. Polygamy thus offers men a chance to indulge in post-marital love that is permissible and morally superior to having illicit extra-marital affairs (*hubungan sulit*).

My court archival research thus reveals that polygamy – at least, in Kelantan – is far from being an elitist practice that concerns only the top echelon of Malay society. Rather, men and women of more modest means also engage in polygamy as a means of realizing various conjugal, economic, and personal aspirations such as love, happiness, and financial security. This thesis thus seeks to capture why my Malay informants marry, what they seek from marriage, and what marriage ultimately delivers.

V. The Plan

I begin, in the first chapter, with an account of the emergence of Islam as we know it in Malaysia today – highly complex and bureaucratized, all-encompassing, and heavily politicized. Here I take a historical approach in explaining the origins of the Malaysian Islamic Bureaucracy, which I use as an umbrella term embracing various institutions that collaborate in the effective governance of its Muslim subjects.

This is followed in Chapter 2 by a discussion of “*halal*” intimacy which draws on the conceptualizations of three kinds of love within Malay intimacy – *cinta*, *kasih*, and *sayang*. I suggest that Malay *adat* (cultures and traditions) and Islam reinforce each other in proscribing pre- or extra-marital forms of intimacy. I also highlight the model of companionate care promoted in State policies and initiatives to demonstrate how the Malaysian State, as part of its modernization project, privileges a monogamous,

companionate marriage model based on conjugal love and mutual care and responsibilities.

In Chapter 3, I then turn to a more detailed exploration of the encounter between bureaucracy and intimacy in Kelantan – the only state in Malaysia to be governed under *ulama* leadership. I focus in particular on a form of moral policing in Kelantan enforced by the *Maksiat* (Vice) Prevention Unit, which polices pre- or extra-marital physical intimacy between non-spouses. This creates pressures to pursue hasty marriages simply as a means of accessing “*halal*” intimacy, but this pursuit of short-term pleasures is often counterproductive for the establishment of more stable marriages in the long-run.

Chapter 4 offers an ethnographic investigation of cross-border marriages contracted in Songkhla, Southern Thailand. Most of these marriages were secret elopements which entailed a lot of risks for the couples: the threat of exposure was always imminent, and their physical safety too was in peril when they ventured into the politically unstable regions of Southern Thailand to accomplish their mission. In this chapter, I illustrate how cross-border marriages are a negotiation between disclosure and discretion, and the ways in which marital stability decreases with increased exposure of the marriage. For many cross-border couples, the logistical, emotional, and financial strains of maintaining a covert polygamous marriage eventually led to an unhappy end: divorce.

Chapter 5 examines the bureaucratic management of marriage by the Malaysian State in Shariah Courts. In this chapter, I investigate the paperwork and processes of “proceduralism” (Gupta & Sharma 2006:13) which dictate marriage and marriageability. The Shariah Courts, I suggest, are where “modern” Malay forms of kinship are constituted through the State’s privileging of the conjugal bond over extended kinship ties.

Chapter 6 offers an exploration of polygamy from the perspective of a first wife, a second wife, and an almost-second wife. I demonstrate how polygamy is adopted by second wives as a marital strategy for securing economic and emotional security, as well as for access to intimacy and motherhood. Yet this often comes at a severe cost for first wives, who often experience a decline in their own economic and emotional stability following their husband’s remarriage.

In the final chapter, I consider the figure of the “unhappy polygamist” to suggest that men who eagerly sought additional wives for love or sexual pleasure did not always end up happy. I illustrate how as a result of the economic anxieties and logistical difficulties of maintaining multiple marriages, love in polygamy is experienced by wives in visible, measurable terms commensurate with the husband’s economic contributions. Unequal distribution of his resources could also foster co-wife hostility and sexual jealousy that manifest themselves in covert ways through sorcery, thus exacerbating tensions in polygamy.

Chapter 1: The Malaysian Islamic Bureaucracy

When I was conducting fieldwork in Malaysia, there was a joke that I frequently heard that went like this:

“It’s better to touch a dog than to touch your date (*pasangan*). At least when you’ve touched a dog, you can cleanse it away [through *samak*³⁴]. But if you touch your date, nothing can wash that sin away.”

What do dogs and dates have in common? Dogs, for Malay-Muslims, are deemed “unclean” (“tidak suci”) and thus any direct contact with the animal renders the individual unfit for ritual performance such as praying. Similarly, boyfriends and girlfriends are considered potentially “polluting” and sinful, as any romantic relationship, for as long as it thrives outside of marriage, remains illicit and therefore “haram” (forbidden). For Malays, heterosexual touching is a sensitive subject, and even those long married are careful with public displays of affection, such as holding hands or hugging.

Nowhere did this discomfort with intimate touching become more evident than in October 2014, when the entire nation was shocked by an apparently harmless event due to take place in Kuala Lumpur – “I Want to Touch a Dog” (Lim 2014). This event, organized by Syed Azmi Alhabshi, an activist in his early 20s – himself a Malay-Muslim – was to encourage Muslims to overcome their fear of canine creatures by petting dogs of various breeds provided by dog-owning volunteers (who were mostly non-Muslims). A religious teacher (*ustaz*) was invited to give a talk about respecting dogs as God’s fellow creatures, and many Muslim volunteers were also on hand to demonstrate the correct ways of conducting the cleansing rites of *samak* after touching dogs (The Straits Times 2014).

However innocent Syed Azmi’s intentions were, the event sparked outrage among Muslims nationwide. Hailed by some as a hero for crossing stereotypes and championing an animal long considered culturally taboo, the more conservative Malaysian citizens found this a little too daring and took offense at the brash openness of this event. They argued it offended the deeply-entrenched Malay aversion towards all canines. Within a

³⁴ *Samak* is a method of ritual cleansing using soil once and water six times on the affected body parts or garments, usually applied after one has had physical contact with dogs or pig skin.

week, Syed Azmi was bombarded with criticism, accused of attempting to lead astray (*menyesatkan*) other Muslims, and threats were made on his life, which forced him to seek police protection (Lim 2014). Under such pressures, Syed Azmi soon emerged to issue a public apology that said: “With a sincere heart, my intention to organize this program is because of Allah SWT³⁵, not to distort (*memesongkan*) the faith, change religious laws, make fun of *ulamas*, or encourage liberalism” (quoted in Lim 2014). The uproar following this taboo-breaking event drew the intervention of the Malaysian State through two Islamic Bureaucracies³⁶: JAKIM (the Department of the Advancement of Islamic Affairs), a centralized, federal department which oversees all affairs relating to the well-being of Islam and Muslims in the country, and MAIS (Selangor’s Council of Islamic Affairs), which manages all Islamic affairs within the state of Selangor. Both Islamic Bureaucracies held a counseling and conciliatory meeting with Syed Azmi, who “expressed guilt” and “accepted the reprimand in good faith” (Malay Mail Online 2014). And with this public performance of repentance, the uproar subsided.³⁷

I draw on the case above to highlight several crucial points about the Malaysian State and the Islamic Bureaucracy, both of which will be the primary focus of this section. First, I hope to emphasize that in Malaysia, the line that separates State from religion is a fine one. Shome (2002:1) has argued that Malaysia’s form of political leadership is exceptional for its unique ability to exercise elements of western democracy while still “retaining conservative Islamic values”, yet the Malaysian State is far from “traditionalist”. In fact, since its intense Islamization phase dating back to the Mahathir era of the 1980s, the Malaysian State has integrated Islamic values into its governance and bureaucratic institutions in a holistic, systematic, and strategic manner, eventually creating what Aziz and Shamsul (2004:353) call an “economically successful” and “politically stable multicultural Islamic nation”.

³⁵ Muslims often follow the convention of saying, “*Subhanahu wa ta’ala*” (“Glory to Him, the Exalted”) after any mention of God’s name.

³⁶ Throughout this thesis, I differentiate between “Bureaucracies” (capitalized) as a collection of state-led administrative institutions and “bureaucracy” as a procedure or process administered by these institutions.

³⁷ This was not the first time dogs dominated public discourse among Malaysian Muslims. As early as the 1930s, a Dalmatian kept by Tengku Ibrahim, the heir apparent and younger brother of the then Sultan of Kelantan, sparked a lively debate among Islamic scholars locally and abroad on whether, under the Shafi’i branch of Islam, it was indeed permissible to keep a dog (Roff 2009:251). More than eight decades later, it is clear that the same concerns continue to trouble Malay-Muslims.

Second, this inseparability of State and religion creates complications for separating the Islamic Bureaucracy from the Malaysian State. Much of the Islamization initiatives were undertaken under the leadership of Malaysia's fourth Prime Minister, Mahathir Mohamad, in response to Islamic revivalist demands for "more Islam" (Nagata 1984; Mutalib 1993; Shamsul 1997; Camroux 1996; Othman 2003; Lee 2010). This spurred the growth of a symbiotic relationship between the State and religion, in which the Malaysian State was able to secure the support of the Malay-Muslim majority by legitimating itself as Islamic. Consequently, Islam also progressively acquired an immutable force in the public and private spheres through the backing of the Malaysian State. The result that we see today is a complex conglomeration of state- and federal-level Islamic administrative bodies led, backed, and financed by the Malaysian State that I collectively refer to (with caution, as I explain below) as an "Islamic Bureaucracy".

Finally, the dog-petting incident above demonstrates the manner in which the State-led Islamic Bureaucracy interjects its presence into seemingly secular aspects of public life that extend beyond the "religious" realm. This points to the general atmosphere of widespread moral policing induced by the presence of a vigilant and pious governance structure and a disapproving public, both of which are quick to castigate any "morally deviant" ("*menyesatkan*") beliefs and practices. While the main objective of this Islamic Bureaucracy is to offer guidance to the Muslim population on matters pertaining to religious ritual, worship, and spirituality, its influence does not merely end there. On the contrary, the Islamic Bureaucracy seeks to enforce an adherence to, and consciousness of, Islam in every aspect of daily life, even interposing in health concerns and banning Malay *adat* (cultural) practices with Hindu pre-Islamic origins, such as *bersanding*³⁸ at Malay weddings, deemed contradictory to *hukum Syarak* (Shariah compliance).

In what follows, I propose a brief historical overview of the religio-political origins of the Islamic Bureaucracy, as well as a dissection of this influential Islamic collectivity, following Gupta's (2012:16) skepticism towards what he calls a "unitary sense of state in scholarship". I then explore Kelantan's unique brand of Islamic governance called "*ulama*

³⁸ *Bersanding* is where the bride and groom sit on a raised dais in their wedding regalia, as guests and family members take turn to pay their respects and good wishes.

leadership”, to illustrate how religion and politics spill into everyday life for Muslims in Kelantan and Malaysia.

I. Origins

The Malaysian scholar Raymond Lee (1986:70) has argued that religion and ethnicity in Malaysia have always constituted “both sides of the political coin”. Today, ethnic and religious boundaries in Malaysia constantly overlap, so that any discussion of ethnicity or “race”³⁹ will contain religious under- (or over-) tones, and *vice versa* (Shamsul 2005:465).⁴⁰ This fusion of race and religion in Malaysia today is a direct legacy of British colonial politics in ethno-religious affairs of what was then Malaya, which gave birth to ethno-religious categories that carried significant political implications. Article 160 of the Malaysian Constitution, for example, defines a “Malay” as “a person who professes the religion of Islam, habitually speaks the Malay language ... [and] conforms to Malay custom” (Hussin 2007:759).⁴¹ This shows how Malays’ ethnic identity was “exclusively tied to Islam” (Siddique 1981:76), and how “Malayness” came to be “enshrined in the Constitution” (Harper 1996:240). The institutionalization of the “Malay-Muslim” ethnoreligious category accorded political privileges to the Malay ruling elite, and made “Islam” a fruitful ground for the cultivation of power and authority that perpetuated the growth of the Malaysian Islamic Bureaucracy we see today.

³⁹ Ethnic identity in Malaysian is often termed in the literature and in everyday life as “race”, which is a direct translation of the Malay term “*bangsa*”.

⁴⁰ Malaysia’s current multiethnic population today is a direct consequence of British colonial rule. During the pre-independence period, as part of the colonial project, Malaya received a significant influx of Chinese immigrants, many of whom worked in tin mines and ran businesses, and Indians, who worked in the rubber estates (Brennan 1982:188; Chee-Beng 2000:447). To manage this multiethnic, pluralistic society effectively, the British colonial administration divided Malayan society into “racial” categories of Malays, Chinese, Indians, and Europeans (Siddique & Suryadinata 1981:665). Divisions along ethnic lines were further reinforced by the religious divide, in which every religion became closely associated with a particular ethnic group.

⁴¹ However, it must be noted that the ethnic category of “Malay” itself is also very diverse, and includes individuals of Arab, Siamese, Indonesian and Filipino descent, whose ancestors migrated to Malaya during the colonial or immediate post-colonial period (Shamsul 2001:361; Kahn 2005:165; Sim 2010:199).

Malay identity and Islam became a crucial site for the struggle of elite power long before there was talk of independence between the Malay ruling elite and the British. The Treaty of Pangkor (1874), agreed between the Malay Sultans and the British was instrumental in cementing British political influence throughout the Malay peninsula (Smith 1933:394).⁴² Though stripped of political authority over their own lands, the Malay Sultans were compensated in other areas: this Treaty acknowledged the Malay Sultans as “the guardians and arbiters of religion and custom”, thus relegating the domain of Islam and *adat* to the Sultans’ authority (Hussin 2007:765; Abdul Hamid 2009:158). The British facilitated this new role by introducing significant reforms in Islamic religious administration and judicial matters through the establishment of the Council of Islamic Affairs and Malay Customs, or *Majlis Hal Ehwal Islam and ‘Adat Melayu* (Shamsul 2005:458).⁴³

Although Shariah law operated in subordination to English statute law, the administration of Muslim affairs did necessitate that Islam become more “administratively bureaucratized”. Each individual state established its own religious hierarchy, maintained to this very day. At the top of this bureaucracy resided the *Majlis Agama Islam dan Adat Istiadat Melayu* (Council of Islamic Religion and Malay Customs), which in turn oversaw the *Jabatan Hal-Ehwal Agama Islam*, or the Department of Religious Affairs) (Abdul Hamid 2009:159). Shariah Courts, established before colonial rule, were expanded both in terms of their physical infrastructure and their administrative function; for example, religious personnel such as *muftis*⁴⁴, district *qadhis*⁴⁵, and *imams*⁴⁶ were absorbed as employees of the state (Abdul Hamid 2009:159). The Islamic justice system also absorbed local members of the Malay elite by placing them in administrative positions in the employ of the state (Hussin 2007:780). The Malay elites’ increasing religio-political influence in society during this period was of notable importance: they acquired the authority “to interpret Islamic law, or to choose its interpreters, to dictate who might

⁴² Malaya has been known to be an exemplary case of “indirect rule”, in which British Residents were installed in certain states to facilitate British interests in the management of the colony (Smith 1933:396).

⁴³ The British motivation for doing so was to restrict the implementation of Islamic law to matters pertaining to family law, and to then usher in their own secular legal system, thus beginning the process of separating the “church” (that is, Islam) from the “State” (Shamsul 2005:459).

⁴⁴ A *mufti* is a Muslim legal expert authorized to give legal opinions and rulings (*fatwas*).

⁴⁵ A *qadhi* is an Islamic judge.

⁴⁶ An *imam* is a religious leader in a Muslim community.

implement it, and in what areas” (Hussin 2007:780). Consequently, with this power, they had the prerogative to dictate “who a Muslim was, what being Malay meant, and how both Malay and Muslim society related to each other and the state” (Hussin 2007:780).

Malaysia’s Islamization phase was further intensified between 1981 and 2002 under the leadership of Prime Minister Mahathir Mohamad. Scholars have noted the various processes that brought about Islamization, one of which was economic (Nagata 1984; Mutalib 1993; Liow 2007; Hassan 2004; Mohamed Osman 2006). The launch of the New Economic Policy in 1970 brought forth a period of intense industrialization that introduced varying degrees of economic prosperity to Malays (Crouch 1996:37). Rapid and drastic lifestyle and economic changes spurred the birth of the Islamic revivalist movement, which, Mutalib (1993:29) suggests, was driven by a sort of “spiritual emptiness” experienced by many urban Malay-Muslims. The 1970s was a period of great religio-political transformation for Malaysia, as it became caught up, as many other Muslim-majority nations across the Muslim world did then, in the Islamic revivalist wave. The success of the Iranian Revolution in 1979 also inspired the birth of significant revivalist movements on Malaysian soil, namely the Malaysian Islamic Youth Movement (*Angkatan Belia Islam Malaysia*, or ABIM), the Society for Islamic Reform (*Jamaah Islah Malaysia*, or JIM), and Darul Arqam (Shamsul 1997:213; Abdul Hamid 2008:216). These *dakwah* (missionary) movements called upon Malays to reject Western values, culture, materialism, science, education, and “decadence” (Mauzy & Milne 1983:631). More importantly, they also publicly encouraged a reliance upon Islam as “a comprehensive way of life” also integrating politics, and demanded the implementation of more Islamic-based policies in Malaysia (Mohamed Osman 2006:36). This catalyzed an Islamization of gender relations, which moved from a bilateral model proposed in *adat* which minimizes social differences based on gender, to a more hierarchical one based on Islam which emphasizes men’s role in family and religion (Karim 1987:43-4; Ong 1990a:268; Zeitzgen 2002:22).

During this period, the youth movement ABIM formed an alliance with the main opposition Islamic political party PAS (*Partai Islam se-Malaysia*, or Pan-Malaysian Islamic Party), and the resurgence movement quickly gained “political momentum” (Camroux 1996:855). The ruling UMNO (United Malays’ National Organization) government thus came under significant pressure to launch its own Islamization programs

in order to “legitimate itself as Islamic” (Othman 2003:124). This launched what scholars have called the “Islamization race”, as both UMNO and PAS attempted to “out-Islamize” the other to keep the support of the Malay-Muslim majority (Liow 2007:167). Since the government launched its various Islamization policies in the 1980s, Malaysia has witnessed the establishment of various educational, financial, and research institutions (e.g. the International Islamic University of Malaysia (IIUM) and government-funded primary and secondary Islamic schools; the Malaysian Islamic Bank; the Malaysian Islamic Thought Development Institute (*Institut Kefahaman Islam Malaysia*, or IKIM)).

Under Mahathir, the strategic expansion of the Malaysian Islamic Bureaucracy was undertaken in a more calculated and effective manner through three strategies: first, through centralization, in which JAKIM was established to synchronize the administration of Islamic affairs throughout Malaysia. Second, the increased establishment of Islamic institutions, and upgrading the Shariah to equate it to the civil legal system (Buang 2007:321). Third, the Shariah was further expanded through multiplication of the various laws and statutes within the Shariah legal system, with the redrafting of Islamic family laws and criminal codes (M. Mohamad 2010:513-515). Maznah Mohamad (2010:511) argues that the intense institutionalization of Islam from the Mahathir period onwards indicates that the Shariah has in fact undergone a dramatic phase of “secularization”. Although the Shariah is often perceived as a divine institution enveloped with “an aura of godliness”, its implementation in contemporary Malaysia is premised on “the procedures of modern democracy”; thus, religious matters are transmogrified into laws governed by secular authorities, and religious bureaucrats are exalted from “the marginal realm of “culture and tradition”” to “the public space of law and order” (M. Mohamad 2010:512). My observations in the Shariah Court in Kota Bharu and Kuala Lumpur suggest an interdependence of State institutions within and outside of the Islamic Bureaucracy. The Courts very much drew on other apparatuses of the State such as the police to ensure that its rulings were taken into effect. For example, should a defendant fail to show up in court after having been summoned three times, the court may instruct the police to find and bring the defendant to face the judge. Shariah Criminal cases (*kes jenayah Shariah*, which included *khalwat*⁴⁷ and cross-border marriages

⁴⁷ *Khalwat* is being in illicit close physical proximity with a non-kin member of the opposite sex, a crime punishable under Malaysian Shariah laws.

contracted without the prior permission of the accused's home state) were also processed administratively and brought to trial by a Shariah prosecutor (*pendakwa raya*) according to the same procedures as that of a civil criminal case. As such, the Malaysian Islamic Bureaucracy may be "religious" in its pursuit of justice, but its forms of execution certainly run parallel to more secular judiciary systems and state apparatuses.

Thus, the Malaysian Islamic Bureaucracy can trace its origins in colonial politics and subsequent religio-political developments in Malaysia throughout the following century, which created conducive conditions for the bureaucratization of Islam. Yet while the Islamic Bureaucracy is wrapped in a "divine" (M. Mohamad 2010; Haneef & Mahmud 2011) religious aura, its inner workings reflect a rather "modern" method that is, in Maznah Mohamad's (2010) words, "secularist". In the next section, I illustrate my own encounters with the different branches of the Islamic Bureaucracy relevant to my research, and explore how the authority of the Bureaucracy seeps into nearly every aspect (including those considered "non-spiritual") of its Muslim subjects' lives.

II. Islam Bureaucratized

According to Miliband (1969), it is unsurprising that the "state" and "government" often appear as "synonymous", considering that it is the government "which speaks on the state's behalf". Miliband proposes what he refers to as the "state system" to suggest that rather than being a single, unified entity, the state comprises institutions such as the government, the administration, the military and the police, the judicial branch, sub-central government and parliamentary assemblies, which collectively contribute towards the workings of the state. It is in these institutions that we may empirically locate the seat of "state power", wielded by individuals occupying the leading positions in these institutions: the "state elite", which includes presidents, prime ministers, ministerial colleagues, high civil servants and other state administrators, and judges of the higher courts (Miliband 1969:48-50). This echoes anthropological approaches to studying the state such as Gupta's (2012), which advocate an examination of the state as constituted

of dispersed sub-components that are nonetheless united in performing the state-building project.

Recent years have seen an emergence of anthropological literature on the state, bureaucracy, and state bureaucracies (Hull 2012; Telesca 2015; Tuckett 2015; Qureshi 2015; Mathur 2016), producing a picture of the state as “powerful sites of symbolic and cultural production” (Gupta 2012:43). However, one criticism of the study of the state forwarded by Heyman (2012:1274) is that these studies typically conflate “bureaucracy” with “the study of governments”. Gupta (2012:60) too is critical of the fact that very little careful reflection has actually been given to why so much “cultural work” has been channeled into projecting the state as “a singular, purposive entity” rather than “a set of disparate and loosely-connected agencies at various locations”. Gupta’s insight is crucial for the purposes of this section, as I hope to illustrate that the Malaysian Islamic Bureaucracy (as an agent of the Malaysian State) operates in such a decentralized manner that it penetrates the religious, political, and private domains of the lives of its Muslim subjects.

Rudolph and Rudolph (1979:195), in the late 1970s, suggested that Weber’s approach to bureaucracy has been — and continues to be — “the dominant paradigm for the study of administration and formal organizations”. According to Weber (1978 [1922]:223), the bureaucracy has endured because it is “capable of attaining the highest degree of efficiency” and is thus “formally the most rational known means of exercising authority over human beings”. However, many of the bureaucracies recently studied in anthropology have been instrumental in establishing the notion that unlike the rational, efficient, highly-regulated bureaucracy of Weber’s imaginings (1978), many bureaucracies today run counter to this trope. In fact, the bureaucracies of today are more amenable to the whims and idiosyncrasies of bureaucrats who perform the everyday tasks that constitute the workings of these bureaucracies, and their clients who bring their own motivations and self-interests in their encounters with the state (Hull 2012; Gupta 2012).

Tuckett’s (2015:114) examination of Italian immigration laws, for example, demonstrates how immigrants seeking residence permits manipulate loopholes and ambiguities within the “system” for self-interested gains by accumulating social and cultural capital that make them “cultural insiders”. Similarly, Qureshi’s (2015:36) ethnographic exploration

of the “Enhanced HIV and AIDS Control Program” – launched by the Pakistani government, and funded by the World Bank – ended up “dispossessing its purported beneficiaries” instead of “generating more efficiency”. This was rendered possible when a new form of working culture she described as “flexible bureaucracy” allowed bureaucrats to function as profit-seeking “entrepreneurial [selves]” (Qureshi 2015:36). What is highlighted in both studies is how ambiguities within the bureaucracy leave some room for external – and internal – manipulation that hinders “efficiency”.

But what, exactly, is the “state” made of? Mathur (2010:5) understands the state to be “a relational set of [bureaucratic] practices” comprising banal acts such as “reading, writing, lettering, filing, producing and circulating documents, holding meetings and conducting audits”. It is through such everyday practices that the developmental Indian state is realized (Mathur 2010:5). However, Mathur (2010:2-4) goes on to demonstrate that the Indian state’s “obsession with paper[work]” and neoliberal dictums of “transparency” and “accountability” in fact only reproduce its “illegibility” to the people. This reinforces the prevalent conceptualization of the state as being sheltered by an inaccessible and impenetrable “bureaucracy” that further distances it from its subjects.

Prior ethnographic explorations of the inner workings of bureaucracies and their effects open up a space to rethink the extent to which the state penetrates the social fabric of daily life, and allows a consideration of how enduring depictions of the state acquire its timeless quality in the minds of the people. The Malaysian Islamic Bureaucracy’s quasi-state associations deserve scrutiny: I propose a conceptualization of the Islamic Bureaucracy as a branch of not only the Malaysian State (and states), but also a projection of the government itself. My approach follows Maznah Mohamad (2010a:361-2), who proposes the presence of a “statist Islam” in Malaysia today, where, in her words, “the state now performs Islam” and “Islam and the state are indistinguishable from one another”. My explorations here will therefore look at “bureaucracy” as “a set of processes”, as well as a collection of institutions connected by “relations of power” that constitute the State (Trouillot 2001:127).

The Islamic Bureaucracy is not only religious, but also political. The influence of Islam – or more specifically, the scholars of Islam – in Malaysia became unsurpassable when it was implemented directly in state governance. Decades of State-led Islamization has led

to a gradual absorption of religious scholars (the *ulama*) into the top echelon of the State's administrative cadre, as a move towards "institutionalizing the state Islamic administrative apparatus" (Hamayotsu 2002:359). These *ulama* played an advisory role to the State to ensure that government-formulated policies adhere to Islamic principles.⁴⁸ The *ulama* employed under the *Majlis Agama Islam* (Council of Islamic Affairs) have the authority to interpret the sources of Islamic law (the Qur'an, *hadith*, and the *sunnah*) under the leadership and guidance of the *mufti* (Mohamed Osman 2006:59).

Subsumed under the Malaysian State in such a manner, Islam and the State mutually governed each other, resulting in a productive, symbiotic relationship. This integration of religion and government was also apparent in the minds of many Malaysians I encountered. My Malay informants in Kelantan, who had to navigate the various branches of Islamic Bureaucracy (the Shariah Courts, the Council and Department of Religious Affairs) to validate their marriage, referred to them all as simply the "State": "*kerajaan [kita]*" ("[our] state/government"). My informants did demonstrate an awareness (to varying degrees) of the roles and capacities of these bureaucracies (for example, they were aware of the state-specific nature of the Islamic Family Laws, and that the Shariah Courts and the Council and Department of Islamic Affairs also fulfilled different purposes in their marriage validation process). Yet this one umbrella term "*kerajaan*", frequently employed to refer to the Islamic Bureaucracy, is indicative of how they conceptualized a common source for this top-down stately authority, which collectively held the key to the legitimate pursuit of their desires through marriage.

Whilst my access to these institutions differed in varying degrees (from interviews with officials and litigants to extended periods of court observations and archival research), the most directly relevant "sub-bureaucracies" that I conducted research with during my time in Malaysia were:

⁴⁸ The National Ulama Consultative Council for example, established under the Mahathir Administration in 2002, granted the *ulama* significant political influence in the country, rather similar to the ways in which the Iranian Shi'ite clergy were elevated to positions of political power following the emergence of the Islamic Republic in 1979 (Mohamed Osman 2006:59; Khalaji 2011:132).

1. the Department of Islamic Advancement (*Jabatan Kemajuan Islam Malaysia*, or JAKIM), operating at the federal level under the Prime Minister's Department;
2. the Shariah Judiciary Department (*Jabatan Kehakiman Shariah Malaysia*, or JKSM), also operating at the federal level, which oversees the administrative and judicial functioning of Shariah Courts throughout Malaysia;
3. the Council of Religious Affairs in the states of Kelantan (*Majlis Agama Islam Kelantan*, or MAIK) and Selangor (*Majlis Agama Islam Selangor*, or MAIS), both of which housed the state *mufti*'s office responsible for issuing *fatwas* (legal rulings);
4. the Department of Religious Affairs in the states of Kelantan (*Jabatan Hal Ehwal Agama Islam Kelantan*, or JAHEAIK) and Selangor (*Jabatan Agama Islam Selangor*, or JAIS), which play a more executive role by enforcing the Islamic rulings issued by MAIK and MAIS on the ground.

My involvement with the Malaysian Islamic Bureaucracy in various parts of Malaysia demonstrates that despite the decentralized management of Islam, the bureaucracies operating at state level were quite similar in form and function across all states. The Islamic Bureaucracy was generally administered by a coherent body of administrative staff trained in the Islamic sciences. The court officials and judges of Kota Bharu's Shariah Court and senior bureaucrats of JAHEAIK I encountered in my research were educated in various Islamic branches of knowledge, particularly in *usuluddin* (Islamic theology), *tafsir* (interpretations of the Qur'an), *hadith* (specializing in the vast collection of the Prophet's sayings and tracing their chains of transmission directly to the Prophet), the Shariah, and Arabic. Many were educated in the Middle East, especially at Al-Azhar University in Cairo, Egypt, in Jordan, or in Saudi Arabia, and were sponsored by scholarships provided by the very same Islamic Bureaucracy that employed them upon their return.⁴⁹ Considering their specialized educational background and professional training in the religious sciences, the bureaucrats administering the courts and administrative offices were often in a more knowledgeable position *vis-à-vis* the supplicants who came to the Shariah Courts. This contributes to the paternal approach adopted by these bureaucrats towards their clients, whose various grievances –

⁴⁹ Their specialized knowledge of Islam also became apparent in the way they commonly recited verses directly from the Qur'an by heart – in Arabic, and subsequently its Malay translation – and drew on anecdotes about the life of the Prophet Muhammad or the earlier caliphs of Islam during our interviews.

particularly marital – were often understood as originating from their “lack of knowledge in religion” (“*kurang pengetahuan agama*”).

Some of the more senior bureaucrats were also referred to by the term *ustaz* (for men) or *ustazah* (for women), usually reserved for the religious and highly esteemed in society. They typically adhered to a strict Islamic dress code – work shirts and slacks or the traditional *baju Melayu* (a loose tunic worn with slacks) on Fridays for men, and the loose-fitting traditional Malay dress called the *baju kurung*, or a *jubbah* (an Arab-style long dress) with a headscarf for women. Furthermore, communal participation in religious rituals was highly encouraged – even expected – among employees of the Islamic Bureaucracy, particularly in two of the five daily prayers they must perform during office hours (*zuhr* and *asr*). The office of every branch of the Bureaucracy is equipped with spacious prayer rooms open to all staff and members of the public. The Bureaucracy’s Islamic constitution thus permeated the ways in which it is operated by bureaucrats who embodied the very values and principles of the Shariah they attempted to inculcate in their Muslim subjects.

One way the Malaysian Islamic Bureaucracy exercised its intransigent authority over its Muslim subjects was through monopolizing the production and dissemination of technical knowledge on Islam. This particular characteristic of bureaucracy, which contributes to its overall efficiency, is also documented by Weber (1978:223), who suggests that the possession of “technical knowledge” is “the primary source of the superiority of bureaucratic administration”. In fact, bureaucratic administration essentially means “domination through knowledge” (Weber 1978:224).

The *ulama* are bestowed with extensive judicial and legislative authority by the State. Their position within this powerful bureaucracy grants them their “rightful” authority as official interpreters of Islamic doctrine, teachings, and legal principles (Mohamed Osman 2006:58). This has resulted in the gradual conception of a type of Islam promoted by the Malaysian *ulama* which is rather “formal, legalistic, and bureaucratic in nature” (Mohamed Osman 2006:54). The *ulama* can reinforce their monopoly over the processes of religious interpretation by obscuring the intellectual and reasoning processes behind a shroud of secrecy, akin to Weber’s (1978:225) notion of “official secrets” — that is, a “special knowledge of facts” kept exclusively within the bureaucracy.

The *fatwa*-making process in particular has been criticized by scholars such as Abdul Hamid (2009:15) for lacking “intellectual rigor”, as the *ulama* are rarely fully transparent on the research methodologies and scholarly references from which their *fatwas* are derived. This leaves these *fatwas* vulnerable to “political manipulation and arbitrary judgment” (Abdul Hamid 2009:15). Anwar (2005:124-30) similarly remarks that the silence and mystery surrounding the drafting and legislation of the Shariah suggests that new laws are enforced without prior public consultation, which is even more worrying considering the *ulama* have the tendency to codify “the most conservative opinion” into law, particularly when it comes to women’s rights. This top-down, non-negotiable approach to law-making has created frustrations among the public such as the Malaysian Muslim feminist group Sisters in Islam, who argue that the State’s increasingly lenient laws on issues such as polygamy have only been to the detriment of Muslim women (Foley 2004:58; Anwar 2005:123, 2009:3; Shuib 2005:193; Otto 2007:147; Abdullah & Kamaruddin 2008:195; M. Mohamad 2011:56; Haneef & Mahmud 2011:5; Meerschaut & Gutwirth 2012:185).

Malaysian Muslims, as Neo (2003:32) observed, have been conditioned to concede that only those with religious authority — the *ulama* — have the right to speak on Islam. Indeed, while in Kelantan, I frequently encountered various degrees of reluctance from my informants to respond when I directed sensitive “religious” questions such as, “Does Islam *really* allow polygamy?” (“*Sebenarnya Islam memang benarkan poligami ke?*”). The frequent response I received to “taboo” questions such as this was usually, “It’s hard to talk about it because I don’t know much about religion” (“*Susoh nak ghoyak, kita tak berapa tahu agama*”). The *ulama* also threaten those who do not conform to their version of Islam as “*kaafir*” (unbeliever) or “*murtad*” (apostate), causing many to be cautious of challenging the *ulama* for fear of being labelled as anti-Islamic by questioning the word of God if they diverge from the mainstream Orthodox view of Islam (Anwar 2004:72; Foley 2004:61). This is exacerbated by the public misconception that Shariah laws are “the expression of divine will in their entirety”, even though the Shariah is essentially “divine at their roots but human at the level of their juristic extrapolation” (Haneef & Mahmud 2011:10).

The Islamic Bureaucracy's authority is further reproduced through its intervention in nonreligious sectors of daily life. For example, JAKIM has a department that deals specifically with assessing the ingredients contained in processed food products to ensure that none contaminated by alcohol or non-*halal* animal-sourced ingredients (such as gelatin) were used in their preparation. All food item producers that meet JAKIM's standards are entitled to display JAKIM's *halal*-certified logo on their products' packaging, without which Malay Muslims might have second thoughts about its consumption. A common question asked by Muslims before picking a food product such as biscuits and bread from the shelves in the local supermarket is, "*Ada tanda 'halal' tak?*" ("Is there a *halal* logo?"). The consumption of *halal* food products is taken as a priority of the Islamic Bureaucracy, as it is thought that the "purity" ("*kehalalan*") of foods consumed could directly affect one's state of spirituality.

Fatwas (legal rulings) produced by the *mufti* (the head of the Council of Religious Affairs) respond to current events and predicaments faced by Malaysian Muslims in society today, and have the authority to regulate various aspects of everyday life (Meerschaut & Gutwirth 2012:182). While I was in Malaysia conducting field research in 2015, "vapes" (electronic smoking devices) were all the rage among smokers of all ages, but these divided opinion between those who were convinced that they posed less health risks than conventional cigarettes, and those worrying that they could be more dangerous. After much deliberation, Johor became the first state to release an official *fatwa* from its religious department declaring that "vapes" were *haram* (forbidden) because they could pose significant health risks that jeopardize "public good" ("*kepentingan umum*") (MalaysiaKini 2015). The Islamic Bureaucracy also actively participates in youth activities to co-opt young Muslims into their Islamizing project. JAHEAIK achieved this effectively through football. Football matches between Kelantan and rival states in Kota Bharu were usually preceded by communal prayers (*solat berjemaah*) organized by JAHEAIK, followed by a recitation of *du'a* (prayers). Such moves ensure that its Muslim congregation engage in fun athletic activities, but not at the expense of their commitment to worship. This demonstrates that the Islamic Bureaucracy's influence in deciding what is permissible and what isn't encouraged also seeps into other areas of life such as health and physical well-being.

The Islamic Bureaucracy additionally maintains a strong visible presence and appearance which further grounds its omnipresence in Malaysian society. During my fieldwork in Kota Bharu Kelantan, there were billboard signs scattered throughout the city reminding Muslims to pay their *zakat* (alms) before the fasting month ends, and enjoining women to cover their *aurat*⁵⁰, with taglines such as “*Aurat itu tanggungjawab kita*” (“Our *aurat* is our responsibility”). Following the MH370 and MH17 plane tragedies in 2014, local television channels also played a short recitation of the *Al-Fatihah*⁵¹ every hour to commemorate the victims. By maximizing State- and privately-owned visual and audio channels, and through widespread advertising, the Islamic Bureaucracy reminds its Muslim subjects of the extent and depth of its influence in Malaysian society. Not only does the Islamic Bureaucracy successfully bridge the distance between state and religion; state and society too become more closely intermingled through the intervention of this religious bureaucracy.

III. Kelantan & Ulama Leadership

Kelantan exists in the imagination of Malaysians throughout the country as overwhelmingly Malay (culturally and demographically), with a unique local dialect not easily accessible to many non-Kelantanese. More than anything, Kelantan is well-known for being the stronghold of the Malaysian Islamist opposition party PAS, and therefore as the most “Islamically progressive” of all states in Malaysia. In this section, I illustrate how a brand of Islamic governance in the state of Kelantan known as *ulama* leadership (“*kepimpinan ulama*”) amplifies the political influence of Islam in the state of Kelantan. Through the explicit support of Kelantan’s *ulama* leaders, the Islamic Bureaucracy thus plays a crucial executive role in rendering Islam a more visible and forceful presence, and an instructive and disciplinary role in Muslims’ everyday life and in state administration.

⁵⁰ The *aurat* are areas of the body that must be covered in the presence of non-marriageable kin of the opposite sex. For women, these include all body parts except the face, hands, and feet; for men, these cover the area between the navel and the knees.

⁵¹ The *Al-Fatihah* is the opening chapter of the Qur’an usually recited to the deceased.

Under Kelantan's *ulama* leadership, the chief executive of state government (*Menteri Besar*) is both the political head of state as well as the spiritual leader of his Muslim subjects. The most prominent *ulama*-leader Kelantan has known since it enforced *ulama* leadership was Tuan Guru Nik Aziz Nik Mat⁵², who served as Kelantan's *Menteri Besar* for 23 years (1990-2013), PAS's *Mursyidul Am* (Spiritual Leader) for 24 years (1991-2015), and was until his death a highly-respected *ulama* with a mass following throughout the country. Nik Aziz's influence in shaping people's – especially the Kelantanese's – understanding of religion cannot be emphasized enough; many of my Kelantanese informants cited him as one of their primary sources of religious guidance on many issues ranging from religious ritual and worship to whether dating and pre-marital courtship were "*halal*" ("permissible") for Muslims. In fact, my informants frequently remarked that one of the biggest legacies Nik Aziz left behind was that under his *ulama* leadership, Kelantan had grown into a state which adhered to Islamic principles more strongly compared to the rest of Malaysia.

As the appointed political and Islamic leader of his people, Nik Aziz considered himself "God's representative on this Earth" ("*wakil Allah di muka bumi*"), with a moral obligation to carry out all of God's commandments in the state of Kelantan (S. Mohamad 2009:16). Kelantan's version of *ulama* leadership claims its origins from the Prophet Muhammad⁵³ himself, and draws on values such as "faith, fear of God, responsibility, high capacity for knowledge, the capacity to exercise *ijtihad*⁵⁴, [and] making the Qur'an and Sunnah as the primary sources of reference" (S. Mohamad 2009:16). This brand of Islamic governance also strategically absorbs the *ulama* into its ranks of political administration, based on a *hadith* saying: "The *ulama* are the heirs of the prophets" (S. Mohamad 2009:18). As such, all political and administrative functions of the state must adhere to Islamic principles, and for this reason the *ulama* entrusted with this responsibility by the state must necessarily be knowledgeable in the various branches of

⁵² While I was conducting fieldwork in its capital Kota Bharu in March 2015, the people of Kelantan were shaken by the passing of their leader Tuan Guru Nik Aziz (fondly known as "Tok Guru" (meaning "teacher") or "TGNA" by his younger followers). The late TGNA was succeeded by Ahmad Yaakob, who is currently serving as Kelantan's *Menteri Besar*.

⁵³ References to the Prophet Muhammad were usually followed by "Peace Be Upon Him".

⁵⁴ *Ijtihad* is the creative practice of interpreting the Islamic sources using one's own intellectual resources.

Islamic knowledge such as *fiqh* (Islamic jurisprudence), *tafsir* (interpretations) of the al-Qur'an and *hadith*, as well as Arabic (Noor 2003; Stark 2004; M. Mohamad 2009).

Kota Bharu prides itself on being an “Islamic City” (“*Bandaraya Islam*”), which is also its official motto displayed on banners and billboards across the city. To uphold this ideal, numerous measures were taken to ensure that deviant behaviors among its citizens were suitably penalized and that “demoralizing” Western influences were kept firmly at bay. For example, Kelantan banned various entertainment centers such as nightclubs and bars, all of which were claimed to promote vices such as uncensored interaction between the sexes, the consumption of alcohol, and truancy (S. Mohamad 2009:22-23). Cinemas, notoriously misused by young couples as their own personal love nest, were also banned in Kelantan from the early 90s, as per Nik Aziz’s suggestion that it was thought best not to have a cinema at all rather than to let it become a breeding ground for indecent public behavior (*perbuatan tidak sopan*). Due to the state’s strict censorship on these forms of entertainment, I was told by many taxi drivers I interviewed that they were frequently entreated by local men to take them across the Thai border, where they could indulge in all these prohibited forms of entertainment away from the prying eyes of the Moral Police Unit.

The *ulama* leadership is not only religious and political in its aspirations, but also heavily holistic in its execution: it is founded on the Qur’anic conception of “*Amar maaruf, nahi mungkar*” (the promotion of good and the prohibition of evil”), in which the Kelantanese state works to ensure that all moral and socio-cultural aspects of its Muslim subjects’ lives similarly adhere to the principles of Islam. In this enterprise, it would seem that it leaves no stones unturned. Since *ulama* leadership came into force in Kelantan in 1990, one of the first things the state acted upon was tackling prostitution in Kota Bharu by demolishing shop lots (*rumah kedai*, literally “shophouses”) where these activities took place. This was a collaborative feat accomplished with the help of Kota Bharu’s City Council (MPKB, *Majlis Perbandaran Kota Bharu*), the police force, the Department of Immigration, JAHEAIK, as well as the participation of civil society (*orang ramai*) (S. Mohamad 2009:21). This is an instance of the pursuit of moral uprightness in society, drawing together various branches of the state (both religious and secular), which actively

cooperate and work towards the common goal of “eliminating vice” (“*membanteras maksiat*”).⁵⁵

The Kelantanese state’s Islamization and moral surveillance efforts also directly impacted the conduct of businesses in Kelantan by withholding licenses and the right to run businesses should business owners fail to conform to the state’s Islamic moral standards.

⁵⁶ In this endeavor, a seemingly secular branch of the state bureaucracy, the Kota Bharu’s City Council (*Majlis Perbandaran Kota Bharu*, or MPKB), was directly co-opted in the state’s Islamization efforts by enforcing the state’s moral ideals on the ground. The City Council’s surveillance also encompassed women’s sexuality, which must be concealed from the public (i.e. male) gaze. the proper covering of one’s *aurat*. Many state-sponsored advertisements throughout the city of Kota Bharu encouraged women to dress modestly, featuring a fully-covered Malay woman in the traditional *baju kurung*⁵⁷ paired with a hijab offering extra coverage with a message that read, “Our *aurat* is our responsibility” (“*Aurat itu tanggungjawab kita*”).⁵⁸

In recent years, Kelantan’s PAS-led government had been strengthening state initiatives to tighten its disciplining of its Muslim subjects by proposing the enforcement of *hudud*⁵⁹

⁵⁵ Here, vice is defined as moral corruption of Malay society through “sinful” activities involving alcohol and drug consumption, licentious sexual activity, or gambling, among others.

⁵⁶ Unisex hair salons came under strict surveillance by the Kelantanese state. They were where, it was alleged, *maksiat* activities occurred. Following this, MPKB only issued business licenses to hair salons on certain conditions, which included making sure that the salon had no hidden rooms, only employed workers in proportion to the number of chairs it accommodated, all of whom should wear uniforms while on duty (S. Mohamad 2009:21). Since 1995, MPKB also made it compulsory for all businesses to cease operation during Friday prayers so that their male employees could attend the prayers (*solat Jumaat*).⁵⁶ Furthermore, night markets in three areas around Kota Bharu — Parit Dalam, Kubang Kerian, and Pengkalan Chepa — were asked to halt business operations during the *Maghrib* prayers taking place at sunset, to allow the public to attend the prayer congregation (*solat berjemaah*). MPKB even appointed “special officers” (*pegawai khas*) to take action on business owners who did not comply to this (S. Mohamad 2009:25).

⁵⁷ The *baju kurung* is the traditional dress for Malay women composed of a knee-length tunic worn over a long skirt.

⁵⁸ However, I found that although most women are indeed fully-covered, many nonetheless tend to wear tight-fitting clothing that leaves little to the imagination, or wear the headscarf with a tight short-sleeved T-shirt, which still leaves the arms completely bare. Thus, women’s idea of “*aurat*” on the ground may not necessarily conform to that preached by the Islamic Bureaucracy.

⁵⁹ This includes adultery (*zina*), theft, highway robbery (*hirabah*), apostasy (*irtidad*), alcohol consumption (*shurb*), and slanderous accusation of adultery which cannot be supported by four reliable witnesses (*qadhaf*).

laws — specifically, the Shariah Criminal Code (II) Bill 1993 — which attempted to enact specific corporal punishments to six different types of Shariah offenses. The Kelantanese state had been harboring intentions to implement *hudud* laws since 1993, but these were delayed by strong opposition from the federal government (Kamali 1998:205). In March 2015, while I was still in Kota Bharu, the entire nation was taken by surprise when Kelantan’s State Legislative Assembly passed a *hudud* bill amending the existing Shariah Criminal Code, in what the state considered a “historic” move, to uphold the Shariah in its entirety (Azhar 2015). However, as the Parliament failed to secure a two-thirds majority vote in support of the Bill Amendment, *hudud* laws have yet to see the light of day in Kelantan. Nevertheless, with the *ulama* leadership in full force in Kelantan, morals, values, and behaviors deemed as “Islamic” are solidly institutionalized through the state’s Shariah Criminal Laws, and may see even stricter enforcement if *hudud* laws ever came into force.

While the rest of Malaysia seemed concerned that the implementation of *hudud* laws might be “too strict” (“*ketat sangat*”) for contemporary Kelantan, many of the Kelantanese people I’d spoken to rejoiced at this news and welcomed *hudud*. According to these supporters, *hudud* might help reduce the rising crime rate by instilling fear in people through the harsh forms of corporal punishment for crimes such as theft and adultery. In fact, many seemed quite perplexed that Muslims in other parts of Malaysia where the *hudud* laws would not even apply were concerned for their own well-being should Kelantan begin implementing *hudud* laws. To them, if one did not commit any of these crimes, then there should be nothing to worry about (“*Kalau tak buat, buat apa nak takut?*”).

Those opposing *hudud* felt that the state should first resort to more realistic measures to ensure that its people adhered to Islamic mores. This was evident in the way my informants who opposed the *hudud* laws felt that the state did not seem concerned about whether the general population needed to be “educated” (“*diajar*”) first on Islamic prohibitions and proscriptions before being subjected to such strict punitive measures. State sanctions and legal restrictions on marriage and intimacy were also seen and experienced by Malays as authority flowing from “the State” (*kerajaan*) to “the people” (*orang ramai*) below, whose capacity to act was severely restricted by the State’s authority. Indeed, it was quite common to hear my informants complain, for example, “*Kerajaan kita ketat sangat*” (“Our government is too strict”), when justifying the

rampant cross-border marriage crisis in Malaysia today. The Kelantanese state is thus conceptualized by its people in terms of “vertical encompassment” (Ferguson and Gupta 2002:982), in which the state constantly projects itself as an institution “somehow “above” civil society, community, and family”. The state’s vertical structure is further reinforced by its “top down” approach to planning, and its implementation of policies “from above” to the general population “below” (Ferguson & Gupta 2002:982). As will be demonstrated Chapter 5, this “vertical encompassment” creates a double bind: on the one hand, the state succeeds in encompassing its people in its paternal embrace by protecting their interests. On the other hand, its laws, especially those relating to marriage, are understood by Malays as nonnegotiable, and therefore an impediment to the pursuit of their desires.

In conclusion, the manner in which religion and government are inextricably intertwined in Malaysia conflates Islam with the State (and states). I have illustrated how the Islamic Bureaucracy’s authority seeps into aspects of daily life such as food consumption and health, which are non-religious but could have a spiritual impact. Kelantan is even more committed to adhering to the tenets of Islam compared to the rest of Malaysia by virtue of *ulama* leadership. As Chapter 3 will demonstrate, this translates into stricter moral policing – both at the bureaucratic and public level – with significant consequences for the pursuance of “*halal*” intimacy for Malay-Muslims. Before I explore this, I shall first delve into Malays’ understandings and pursuits of what I call “*halal*” intimacy in the next chapter.

Chapter 2: “Halal” Intimacy

Whenever there is talk of marriage, whether it is at the coffee shop (*kedai kopi*) or in a religious sermon (*ceramah agama*), there is one thing Malays feel unanimous about: “*Kalau dah jodoh, tak ke mana*” (“If there is *jodoh* [between two people], [their] union is inevitable”). *Jodoh* is a Malay⁶⁰ conceptualization of (pre)destined love and marriage founded on the belief that the encounter of, and union between, two individuals is fated by God (*ditaqdirkan Tuhan*). When a couple is “meant to be together” (in marriage), one would say, “*mereka ada jodoh*” (“they have *jodoh*”) or “*jodoh mereka kuat*” (“their *jodoh* is strong”). On the other hand, if a couple terminates their courtship, or seeks a divorce, one would say instead, “*dah tiada jodoh*” (“[they] no longer have *jodoh*”).

These matters relating to one’s fate and fortune in marriage(s) and romantic relationships collectively fall under the all-encompassing term “*jodoh*” in Malay. Exactly what sorts of relationships *jodoh* encompasses differ widely in interpretation. Some of my Malay informants insisted that a chance meeting or a brief encounter between two strangers, no matter for how long and regardless of whether it resulted in friendship and/or romance, could also fall under the term “*jodoh*”. However, the general consensus I gathered was that “*jodoh*” largely referred to romantic relationships, especially in the conjugal sense.

The most popular response to what exactly “*jodoh*” means is that it is “a meeting between two individuals who then marry each other” (“*pertemuan antara dua insan yang kemudian berkahwin*”). My Malay informants unanimously held that marriage was certainly a requisite for *jodoh*, because until the couple had been bound in holy matrimony, they could not be considered each other’s *jodoh*. The conjugal bond validated their status as husband and wife (either in the eyes of religion or the laws of the state, or both), and this made them each other’s *jodoh*. As such, the word “*jodoh*” was generally more synonymous with “marriage” (“*perkahwinan*” or “*pernikahan*”), “spouse”

⁶⁰ *Jodoh* is a concept employed in the wider Malay-speaking world as well such as Indonesia, as indicated by Acciaioli’s (2004:160) study of the Bugis of Sulawesi and Wieringa’s (2002:437) writing on Javanese erotology, among others. The origins of this could be traced to the Hindi word *Jodi*, which means “pair” or “couple”. It also contains similar connotations of “made-for-each-other”, but not the same emphasis on marriage.

(“*pasangan*”), and “duration of marriage” (“*tempoh perkahwinan*”). “Love” was sometimes included in this initial definition of *jodoh*, but more often than not, it was mentioned only when specifically asked if *jodoh* required the presence of love, or as an afterthought. Unlike marriage, love was *not* a condition of *jodoh*, though it was certainly conducive to it and often resulted from it.

Most Malay couples find *jodoh* through first experiencing the whirlwind of romance with their future spouse, but there can also be *jodoh* between a man and a woman regardless of whether there is love between them, as in the case of arranged marriages. Where the couple barely knew each other before marriage, they would still be considered as each other’s *jodoh* by virtue of having been married to each other. Love, Malays believe, “comes after [marriage]”, or “*Cinta datang kemudian*” (cf. Mody 2008). Indeed, *jodoh*’s relationship with love and marriage is an intricate and often unpredictable one: the person one is currently in love with may not necessarily end up as one’s *jodoh* in the future, and one’s current *jodoh* may also not be the person one harbors romantic feelings for. *Jodoh* can initially transpire without the presence of love, even if love has nevertheless been repeatedly cited by my informants as a “crucial ingredient” for the *jodoh* between two people to last. Thus, if two people find their *jodoh* before they find love, there is still room for optimism because love in a marriage is something that can be nurtured between spouses and can grow over time. In fact, post-marital love (*cinta selepas nikah*) is often celebrated as even more commendable by Malays and their elders because the couple would then be less likely to break the taboos of pre-marital romance that could lead to various social, moral and religious transgressions such as *zina* (illicit sexual acts that include sexual intercourse, and all that precedes it).

While *jodoh* may be predetermined, it is maneuverable and remains unwritten until it has been secured (through marriage). Malays thus conceptualize *jodoh* from two opposing perspectives: the first, experienced retrospectively, looks at one’s *jodoh* (fate in marriage or love life) as having been “written” (“*sudah tertulis*”) and thus could not have transpired in any other way, decided as it were by “fate”, of which God is the sole author. The second, experienced from the present, is the forward-looking one orientated towards the future which sees one’s *jodoh* as a yet unwritten or “unrecognized” entity, and thus requires one to strive to find the best *jodoh* (match) for oneself. In this sense, *jodoh* bears a strong resemblance to Schielke’s (2015:95) description of *nasib* (an Arabic term

meaning “destiny” or “destiny-as-fortune”), which for his urban Egyptian interlocutors encapsulates their conviction that although marriage is a “highly strategic” event preceded by much prior consideration and negotiation, the future of every conjugal union ultimately rests in powers “greater than one’s expectations and desires”.

One’s *jodoh* (match) is more often categorically absorbed under the term “*taqdir*” – a term absorbed from Arabic meaning “fate”, “destiny”, or “pre-destination” (Billah 1993:315) – as this places a heavier emphasis on the divinely-orchestrated characteristic of such matches.⁶¹ In my discussions with my Malay informants I also frequently heard of *jodoh* being classified as a form of *rezeki*⁶² (roughly translated as “fortune”), which is considered as a subset of *taqdir*. Swift (1965:91) defines *rezeki* for Malays as being “a person’s divinely inspired economic lot”. *Rezeki* must be sought through one’s own endeavors (often expressed as “*mencari rezeki*”, meaning “to find *rezeki*”). At the same time, *rezeki* can also be understood as “riches” or “good fortune” (Catafago 1975:160) obtained through “chance”, “luck”, or “divine beneficence”, unrelated to one’s efforts or labor (Lont 2000:49; Fessler 2002:41).

Rezeki as recorded in the literature is more widely used and understood in the Malay-speaking world in economic terms (Swift 1965; Lont 2000; Fessler 2002). Yet my Malay interlocutors frequently interpreted *rezeki*⁶³ to encompass one’s fate in love and marriage as well, such that one’s spouse is also considered to be part of one’s “fortune” in life. In fact, *jodoh* is an important determinant of how comfortably – economically as well as emotionally – one’s life will be after marriage, as Maznah Mohamad and Rashidah Shuib’s (2011) study on poverty and marriage patterns in rural Kelantan demonstrates. That marriage is a test of social and personal compatibility, as well as being an economic partnership between the spouses, is noted by the vast range of studies on Malaysia (and Southeast Asia in general). These assert that while men may be the primary breadwinners of the family, women tend to have more say on the financial decision-making and

⁶¹ *Taqdir* is another term of Arabic origin literally meaning “that which somebody intends”, deriving from *qaddara* (“he intended”) (Levin 1997:151, cited in Kasher 2009:362).

⁶² *Rezeki* is another term localized into Malay from the Arabic *rizq*, meaning “sustenance” (Van Dam 2010:230).

⁶³ The Islamic connotation in the understanding of *jodoh* as a form of *rezeki* is made explicit by the fact that the originary Arabic term *rizq* derives from *Raziq* – one of God’s attributes mentioned in the Qur’an, meaning “the Sustainer”, who provides sustenance for man (Mir 2008:42).

household budget (R. Firth 1966:28; Banks 1983:103; Ong 1990a:261; Carsten 1997:77; Li 1998:679; Lont 2000:93). Furthermore, many Malay women I met also placed a heavy emphasis on the financial aspects of marriage by assessing a suitor's potential as a dependable economic provider or strategizing ways to preserve their financial autonomy in the marriage (even advising me to do so myself). Thus, conceptualizing one's *jodoh* in terms of its economic viability seems to suggest that *jodoh* is a part of one's "fortune", which one must seek with the knowledge that the outcome will be whatever has been intended by "fate".

My Malay informants' pursuit of *halal* (permissible) intimacy is heavily anchored in these understandings of *jodoh* as fate and fortune, which are imbued with a sense of predestined potentiality. However, despite deliberate and careful strategizing to overcome all obstacles to *halal* intimacy, their romantic pursuits might not always pan out as planned, for every union is recognized to be part labor, and part luck. This is encapsulated in Malays' belief in *jodoh* (spouse, fated match), which attributes the outcome of all love and marriage to "fate" (*taqdir*), "fortune" (*rezeki*), and "God's will" (*kehendak Tuhan*), thus foregrounding the contingent nature of their amorous conquests. Every romantic pursuit is thus not simply undertaken in the name of love, but is also considered an existential endeavor and a negotiation with the cosmological forces (God, destiny, fate) that govern everyday intersubjective relationships.

In this chapter, I wish to further explore Thomas and Cole's (2009:4) invitation to look deeper into the ways in which "contemporary discourses, sentiments, and practices of love are the product of complex historical processes and intersections". In this vein, I attempt to give due emphasis to tracing how love, intimacy, and marriage are heavily fashioned by congruent and morally cogent forces in Malay society. These include Malay *adat* (customs and traditions) and local understandings of Islam, as well as more structurally forceful authorities such as the Malaysian Islamic Bureaucracy, which demands that its Muslim subjects comply with the Islamic limits of intimacy upon pain of punishment (in this life, or the next).⁶⁴ What I will focus on in this chapter pertains to Malay understanding and experiences of romantic love and intimacy as a "cultural practice" (Illouz 1997:3). I hope to demonstrate that Malay *adat* serves as a suitable lens

⁶⁴ Chapter 3 discusses the surveillance of intimacy in Kelantan.

for this undertaking by offering several useful conceptual devices through which we may make sense of Malay intimacy.

In what follows, I unpack four crucial aspects of Malay intimacy: first, how the Malay understanding of “intimacy” (*keintiman*) give rise to the inseparability of marriage from “mating” (Banks 1983:65), and why this is so. Second, I focus on the different linguistic and emotional manifestations of love in the Malay language, as embodied in the Malay terms for “love” – “*kasih*”, “*sayang*”, and “*cinta*”. Third, I explore how the Malaysian State’s family policies promoting companionate marriages conform to *adat*’s model of marriage, which similarly enjoins reciprocal love and mutual care and companionship between spouses. By exploring Malay intimacy from these perspectives, I hope to illuminate how Malays perceive and conduct themselves as romantically desirous individuals, and how they act upon these desire for intimacy within the constraints of various overlapping social, moral, divine, and structural forces in society – namely, Islam, *adat*, fate, and the ever-vigilant Malaysian Islamic Bureaucracy.

I. Intimacy as Emotions

None of my Malay informants embarked upon an amorous liaison unaware of love’s potential to elicit desires of the more illicit kind – that is, lust (*nafsu*) – considered forbidden (*haram*) until the couple were lawfully wedded. For this reason, intimacy in the mind of my Malay informants was never entirely innocent. Nor did it require an actual physical encounter, as intense gazing into each other’s eyes was already deemed a standard way in which to express interest and sexual desire, even if this was considered by some of my more religious informants as sinful “*zina mata*” (literally, “eye-adultery”). This cultivation of intimacy in other sensorial ways was also noted by other anthropologists in other cultural contexts, such as between Zanzibari couples in clandestine *rendez-vous* in cinemas, where they “made love with [their] eyes” while sitting many rows apart (Fair 2009:73). Japanese notions of *skinship* equally privilege the cultivation of intimacy through nonphysical gestures (Tahhan 2014:28), which liberates

the experience of intimacy from being bounded within the realm of touch between skins and bodies.

If these electric, nonphysical, visual exchanges of intimacy were already considered *haram* (forbidden), what could holding hands, kissing, and actual sexual intercourse do to couples intensely sexually attracted to each other? Some of my informants were already used to long-distance romance nurtured through texting and the sharing of (at times, sexually explicit) images through their mobile phones. They might draw the line of permissibility at actual sexual intercourse, which was the ultimate limit many would not cross until they had safely reached matrimony. Some drew that line further to preclude all physical intimacy – where skin meets skin – before marriage. The more traditionally-minded held that anything that could arouse sexual desire of any kind or intensity was forbidden. This included disseminating sexually provocative images through cyberspace, “sexting”, or actual – and all that led to – sexual intercourse. Whatever their personal “limits” (“*batas*”) on intimacy, the common bottom line was that however intense the love and sexual desire might be, its consummation was impermissible until marriage rendered it *halal* (permissible).

I use the term “*halal* intimacy” to refer to the emotional and physical closeness Malay couples aspire to achieve in their romantic pursuits towards – or rather, *through* – marriage.⁶⁵ It is both a form of emotion – constituted of romantic love (*cinta*) and mutual attraction (*suka sama suka*) in large part, and the resultant sexual desire for the object of one’s affections – as well as an aspiration, one they hoped to actualize through marriage. This term emerged out of my Malay informants’ frequent justification of their cross-border marriages contracted in Thailand by saying, “We want to *halal*-ize our relationship” (“*Kami nak halalkan hubungan*”). Another equally dominant variant of this, which explicitly pointed to the moral precariousness of engaging in (or continuing) a passionate sexual pre-marital relationship, was “We do not want to commit sin” (“*Kami tak nak buat dosa*”). Although cautiously concealed, these justifications in fact emphasized even more the exact anxieties they attempted to suppress – the acknowledgment of the sexual desire they harbored for one another, which carried the

⁶⁵ Although I situate intimacy within marriage, I do acknowledge the prevalence of pre-marital sexual activity among Malay youths, which I discuss further in the following chapter.

potential for serious moral transgression to occur if it failed to find its timely release. The explicit evocation of sin also suggests their full knowledge that transgressing the limits of permissibility in pre-marital intimacy through sexual intercourse, and all that preceded it, or could lead to it, would invite its own moral retribution, in this world or the next. The fact that these limitations were moral and other-worldly is significant because it meant that even if one was able to get away with indulging in pre- or extra-marital sexual intimacy socially, there was always the dread that the spiritual consequences would follow eventually, certainly in the afterlife (“*akhirat*”).

Halal intimacy has two distinctive characteristics I must highlight here: first, my use of the term “intimacy” is to stress the physical and sexual nature of these desires, which arise out of an intense degree of romantic love (*cinta*) between couples. Second, I privilege the term “*halal*” as opposed to other competing terms such as “permissible” or “sanctioned” to highlight the Islamic endorsement my Malay interlocutors sought in their romantic pursuits, which they clearly situated within their moral lives and obligations as Muslims. This included measuring their actions against the moral prescriptions set by Islam so as not to commit “sin” (“*dosa*”), especially in their intimate lives. Indeed, rather than taking Islam and sexuality as two opposing forces antithetical to each other, or as the former hindering the latter, the Malay couples I encountered in fact seemed rather eager to substantially draw some form of legitimacy from Islam itself to justify their (sexual) union. Whether their pursuit of *halal* intimacy was part of a larger, more ambitious, spiritual pursuit such as personal piety was rarely made explicit by my informants. Nonetheless, what is evident here is how salient the understanding – and the consequent fear – of sin is among my Malay interlocutors, such that they strategize their romantic pursuits and carefully pave their path towards matrimony around such moral prohibitions.

I consider romantic love (*cinta*) as one of the many emotional manifestations of *halal* intimacy which fuses sexual desire with more innocent mutual attraction. Moss and Schwebel (1993:36) suggest that romantic love can be considered as a subset of intimacy. However, love can also exist without intimacy, and nor does intimacy on its own lead to love; love emerges following a subjective assessment of the level of intimacy experienced by the individual towards another, and what differentiates love from mere intimacy is the level of decision or commitment an individual is willing to accord to another (Moss & Schwebel 1993:36). In conversations with the Malay couples I encountered, not only did

elements of romantic love (*cinta*) and sexual desire (*nafsu*) emerge frequently in their narratives, but the fact that they were, at the point of our encounter, either waiting for their union to be solemnized or had already been bound in matrimony was strongly indicative of the level of commitment they were prepared to make to one another. Furthermore, their willingness to risk the wrath of parents, first wives, and the Malaysian State by eloping to Thailand to contract their marriage showed a level of commitment that was reflective of the intensity of their love (*cinta*) – if not lust. If we consider Maggi's (2006:85) assertion that love is "more than a feeling" but "an attitude that predisposes one to act in a certain way," then we may understand why Malay cross-border marriage couples are propelled forward by affections that may jeopardize the existing moral order.

Emotions have historically been marginalized as a critical site of inquiry – or, in the words of Harding and Pribram (2009:2), dubbed as a "difficult epistemological category" – in the social sciences. However, recent years have seen a proliferation of scholars in anthropology and cultural studies urging a reconsideration of emotions as a locus of study with the potential to reveal the values as well as cognitive and affective tools with which members of a common social group engage with the world (Karim 1990a; Abu Lughod & Lutz 2009; Jaggar 2009; Rosaldo 2009). According to Jaggar (2009:54), although emotions are indeed largely constituted of an affective component, they are distinctive from mere "feelings" and other episodic physiological responses because they comprise a cognitive process that identifies, labels, and consciously interprets these feelings. More importantly, emotions are intentional: to feel emotions means to actively apply values and to make judgments about one's feelings. Emotions are thus not "things", but should be considered as a "process" which necessarily draws on – and is also limited by – socially constructed conceptual and linguistic resources of the social group (Jaggar 2009:54-55).

Following Illouz (1997), I argue that culture equips us with the tools to understand romantic love as an emotion, by functioning as "a *frame*" within which "emotional experience is organized, labeled, classified, and interpreted" (Illouz 1997:3, emphasis in original). Cultural frames help us specify and define the emotion, set boundaries for its intensity, identify the norms and values they come with, and offer the symbols and cultural scenarios that render it socially comprehensible (Illouz 1997:4). Emotions are the psychological reactions individuals experience and express in response to the world around them, which they draw from living communally under one cultural system and

society (Karim 1990:1). In what follows, I consider Malays' understanding and experience of a perpetual tension between *nafsu* (desires, passion) and *akal* (reason) to demonstrate how emotions in the Malay context are “socially constructed” (Jaggar 2009:54) and always “culturally informed” (Rosaldo 2009:87).

II. Love in Malay Intimacy

Considering Malays actually expend a lot of time, psychological energy, emotional labor, and existential angst on capturing the object of one's romantic interest, it is rather unsurprising that the word “love” alone has three distinct but overlapping meanings in the Malay language. The three terms – *cinta*, *kasih*, and *sayang* – are not only strongly indicative of the Malay perception that there are different kinds of “love”, but more importantly, that there are particular individuals considered to be “appropriate” recipients of particular kinds of love; and that, by consequence, there are socially acceptable ways, and certain limits within which this love may be expressed and reciprocated by the other person. Thus, one may suggest that it is insufficient to speak of Malay “love” in the singular sense; rather, a plurality of “loves” might give a more appropriate representation of the complex emotions felt, conceptualized, and experienced by Malays.

Malays' engagement with the internal affective experience and external cognitive comprehension of emotions is largely guided by *adat*. As Karim (1990:24) argues, Malays' experience and interpretations of emotions are strongly inclined towards “integrating affect with intellect” based on the cultural precepts offered by *adat*. *Adat* generally refers to Malays' customary laws and traditions encompassing a wide range of prescribed codes of ethics and behavior deemed legitimate or appropriate in particular circumstances. *Adat* has a significant degree of moral force in Malay society, such that to act or to think in a “correct” or “proper” way is to conduct oneself in accordance with the demands of *adat* (Peletz 2002:6; Karim 1992:15). *Adat* values, for the most part, are “more spontaneously understood and shared” by – and between – Malays (Karim 1992:15). They are inculcated in Malay society through informal channels and agents of socialization such as family and kin members and in everyday forms of social interaction

(Karim 1992:15). So fundamental is *adat* to Malay socio-cultural sensibilities that it is considered to be the “crucial underpinning of Malay life”, and lies at the heart of Malay sociality, which is heavily anchored in the fulfillment of social obligations and mutual expectations (Nagata 1974:94-6). Failure to observe such social demands of *adat* does not automatically result in the loss of personal status (*maruah diri*). In Malay society, status is judged largely on individual behavior, though a severe depreciation of it (*jatuh* or *hilang maruah*) may bring varying levels of stigma and ostracism upon the individual (Karim 1992:7). In this manner, *adat* closely regulates, maintains, and refines social relations among Malays.

Adat is, in and of itself, a “way of life”, or “*cara hidup*” (Nagata 1974:94). It is understood by Malays to comprise of the banalities of everyday life ranging from their style of dress to the proper etiquette of speech and conduct (*budi bahasa, tata tertib*) – in other words, everything that they “think, believe, and practice” – but may also specifically point to the ceremonial and ritualistic aspects of Malay life, such as the practice of *bersanding* in weddings and *khatam Qur'an*⁶⁶ (Nagata 1974:94). Indeed, Malays’ understanding of *adat* is inseparable from conceptualizations of religion and ethnicity, making it a crucial and visible marker of their ethno-religious identity as “Malay-Muslims”. *Adat* is not only frequently conflated with, and defined through, Islam, with many of the prescriptions of Islam such as giving alms (*zakat*) and respecting elders deeply entrenched in *adat*; it is also seen as inherently symbolic of the “Malay race” (*bangsa Melayu*), that which distinguishes them from other groups and thus defines their “ethnic exclusiveness” (Nagata 1974:95-6; Karim 1992:15).

The Malay proverb “*Biar mati anak, jangan mati adat*” (“Better your children die than your traditions”) encapsulates well the indispensability of *adat* for Malays in nearly all aspects of their social, cultural, and religious life (Hack 2002:245). What is of immediate concern here, however, is how significantly Malays also draw on *adat* in strategizing their romantic pursuits towards achieving *halal* (forms of) intimacy. *Adat* may initially seem disapproving of the exchange of romantic sentiments or physical intimacy from the way it attempts to suppress these from the public eye. Upon closer scrutiny however, it

⁶⁶ *Khatam Qur'an* is a feast celebrating the end of one’s (usually first) complete recitation of the Qur'an.

becomes apparent that, like Islam, *adat* only seeks to direct these desires towards, and to contain them within, the realm of marriage. Indeed, my Malay interlocutors' experience of that which they call "love" in its Malay variants – such as "*cinta*" or "*sayang*" – was not only felt internally through the lens of *adat*, but also found its external expression within the constraints of *adat*. This is evident, for example, in the way my Malay interlocutors acknowledged themselves as sexually desirous individuals, and sensibly attempted to channel these sexual desires towards marriage – the only locus permitted for sexual exploration within *adat* and Islam.

Existing anthropological literature on Malay marriage and intimacy duly acknowledges the experience of sexual desire that is recognized as an integral aspect of "human nature" ("*fitrah manusia*"). This body of literature recognizes that Malays experience sexual desire, although there are specific conditions under which this desire may be actualized – that is, through marriage, considered the only socially and morally acceptable parameter within which sexual desire may be expressed, explored, and experienced (Djamour 1965; Strange 1981; Banks 1983; Karim 1990, 1990a, 1992; Peletz 1995, 1996, 2002). *Adat* prohibition on extra- or pre-conjugal sexual relations has characterized Malay attitudes towards sexual intimacy in the past (Djamour 1965; Raybeck 1974; Strange 1981; Banks 1983). Pre- or extra-marital intimacy, like pre-marital cohabitation, created a sense of "moral outrage" and were typically sanctioned through public humiliation, communal attempts to break the union, or through a shotgun wedding in which the couple in question were immediately married to hush the matter up (Djamour 1965:78; Banks 1983:66).⁶⁷

Desire – of the carnal kind and otherwise – acquires a particular understanding for Malays who ground it in *adat*. According to Banks (1983:87), Malay conceptions of rationality and need-satisfaction can be understood in terms of a tension between pure reason (*akal*) and worldly desires (*hawa nafsu*), often referred to in the carnal sense. *Nafsu*, he suggests, is "man's internal heart, his lust that yearns for release" (Banks 1983:88). Peletz (1995:88; 1996:221, 234) similarly asserts that *nafsu*, originating from *nafs* in Arabic, which in Malay means "passion", "desire", "lust", "want", and "longing", and is seen as having a more pronounced presence among women than among men. *Nafsu* or "passion"

⁶⁷ Adultery, particularly on the part of the wife, also constituted sufficient grounds for divorce (Jones 1994:240). This sanction of pre- and extra-marital sex coincided with Islamic codes of sexual behavior that similarly condemn "fornication" as a sinful act.

encompasses more than just carnal desires, and includes other biophysiological needs of the human body for food, drink, and air. However, the overenthusiastic and persistent pursuit of these needs are frowned upon as this indicates a severe lack of inhibition or restraint with the use of *akal* (mind or reason). Thus, Malays deem acceptable the satisfaction of one's *nafsu* only in moderation.⁶⁸

“Love” is distinct from sexual desire, though it may arise from, or give rise to it. Love in the Malay context is a deeply complex emotion that may be expressed through three different terms – “*kasih*”, “*sayang*”, and “*cinta*”. “*Sayang*” is the least romantic of these in the Malay love spectrum and is predominantly used to represent “tender, protective feelings” for one’s family members or between friends (of both the same or opposite sex), and may also be a “precursor to more romantic developments” (Goddard 1996:450). Official state institutions such as Shariah Courts also reinforce the notion that *sayang* should exist between spouses and that it is what holds the marital bond together. In Kota Bharu’s Shariah Court for example, I encountered several divorce cases involving domestic violence of varying severity. In one such case, the judge asked the husband, “*Saye bini lagi dok [Sayang bini lagi tak]?*” (“Do you still love your wife?”). He nodded yes, and was subsequently asked, “*Kalau saye, buakpo buak lagu ni?*” (“Then why do you treat her this way?”). Thus, state institutions also play a role in prescribing the cultivation of particular kinds of love between spouses (*sayang*), and ways to love (through kind, gentle, and respectful treatment).

“*Kasih*” on the other hand is a more ambivalent term to define. It may be used in both a romantically neutral context as well as in more passionate state of affairs – the Malay term for “beloved”, for example, is “*kekasih*”. On the one hand, *kasih* may be roughly translated as “loving care”, and consists of a protective disposition elicited by the feeling that the other person is “potentially vulnerable” and “in need of protection” (Goddard 1996:451). In fact, the Malay word for “pity” or “sympathy”, *kasihan*, originates from *kasih* itself. Both *kasih* and *sayang* indeed point to deep feelings of care and protectiveness, but while *kasih* is described as a more “sober” emotion directed towards the welfare of the other individual, *sayang* on the other hand “implies something like

⁶⁸ A transgression of this threshold is perceived as being “morally offensive” or even, in some situations, “seriously sinful”, and Malays frequently attribute these “passions” to the devil and evil spirits who “tempt them with sinful behavior” (Peletz 1995:89; 1996:223).

affection” (Goddard 1996:452).⁶⁹ The differences seem rather minimal however, for *kasih* and *sayang* both indicate the state of love in general, or love “as an abstract or general sentiment” – and indeed, both terms are frequently used together (“*kasih sayang*”) to describe deep emotional attachment and care for both kin and *kekasih*.

“*Cinta*” by contrast often finds its expression more specifically in “highly intimate interpersonal romantic relationships” (Karim 1990a:29). *Cinta* seems to be the most accurate equivalent of the Western conception of romantic love in the Malay context, and is revealed in various ways: prolonged preoccupation in the lover’s thoughts of the individual in question; intense admiration for, and idealization of, the beloved; an almost “vainglorious willingness” to do anything for the beloved; and an intense desire to be united with the beloved (Goddard 1996:454). *Cinta* was also the term my Malay interlocutors frequently used in justifying their romantic pursuits, which they described as having emerged out of “mutual attraction” (“*suka sama suka*”). A crucial element of *cinta* is the passionate sexual attraction for the beloved that arises from intense emotional attachment to the beloved (Karim 1990a:24). But Malay lovers deep in the throes of romance are taught by their elders to beware: love and sexual desire must be kept contained through the application of reason and in line with the demands of *adat*. It should only exist in moderation, lest it causes *gila cinta* (literally meaning “love craze”) – a state of heightened fervor and psychological disturbance resulting from the unleashing of an excess of *cinta* (romantic love) and its delayed fulfillment through marriage (Karim 1990a:24).

Malays recognize that sex is indeed crucial for its biological and social reproductive contributions in society (Peletz 1995:89). They also believe in the importance of the romantic and affectionate sentiments that should ideally accompany sexual passion. However, this does not mean they readily condone overt and visible demonstrations of romantic love. On the contrary, public displays of affection are strongly discouraged, and are seen as “unnecessarily provocative” as they may incite feelings of “envy, jealousy,

⁶⁹ Malay love spells and traditional *pantun* (poems) too have been known to use *kasih* to refer to the romantic sentiments and passion shared between two lovers (Hamilton 1926; Goddard 1996:452). However, I would suggest that such usage of the term is considered rather archaic or reserved for specific literary contexts, and one would rarely hear *kasih* employed in this way in everyday speech.

competitiveness, and even rage” in the observer (Karim 1990a:32). Banks (1983:90) suggests that this active concealment of emotions among Malays might lead one to think that Malay society is “prudish”, as it expects individuals to “publicly disavow the sexual motive, much as they strive for even, unemotional presentation”. Indeed, while husbands and wives may engage in open discussions about sex and sexuality, these are strictly limited to a form of verbal dialogue, and are “in no way accompanied by open demonstrations of affection or passion” (Karim 1990a:32).

This suppression of visible expressions of sexual desire and any sexually evocative or provocative behavior governs Malay courtship patterns. Actors articulate their affections through the exchange of metaphoric romantic language, either verbally or textually conveyed, and direct declaration of one’s emotions is avoided at all costs (Karim 1990a:32). Although my Malay informants did seem exceedingly shy whenever our discussions approached any discussion of physical intimacy, this did not prevent them from expressing their affections to each other or engaging in such practices as “discreet flirtation” (Karim 1992:192). This is particularly noticeable with the ubiquitous use of mobile phones and their active presence on social media, where many claimed to have met their romantic interests. These technologies of communication have greatly facilitated the private explorations of romance away from prying eyes. As I demonstrate in the following chapters, the privilege of privacy and the mobility of romance sustained across distances have proven to be important facilitators of courtships that eventually led to cross-border marriages in Thailand.

For my Malay interlocutors, sexual attraction had to be founded on some degree of emotional attachment to the object of one’s desire. In her study of Malay courtship, Karim (1990:29) establishes a direct consequential link between love (*cinta*) and lust (*nafsu*), though she contends that *nafsu* may occur within or beyond the context of romantic love (*cinta*). *Cinta* may give rise to *nafsu* in the form of sexual attraction for the desired individual, but overt expressions or fulfillment of *nafsu* through physical intimacy, particularly when divorced from the interpersonal experience of love and affection embodied in *cinta*, are strongly disapproved of in Malay culture. This is because *nafsu* is detached from *cinta*. In other words, lust without love, passion without affection reveal too explicitly the crude, impersonal biological reality of carnal desire, and are regarded

as an abject force situated beyond the orbit of romantic love and interpersonal affections around which it should properly revolve (Karim 1990a:29).

This raises a crucial point I attempt to illustrate in the graph below: that the ideal development of Malay intimacy should follow a consistent unilineal trajectory, in which companionate and romantic love should precede more amorous physical attraction. The progression of love should be methodical, and develop hand in hand as the couple moves further along the relationship trajectory. The desired destination is marriage, where the couple may be intimate both *within* limits (the boundaries of marriage) and *without* limits (as most forms of physical and emotional intimacy between husband and wife are permissible in Islam and *adat*). However, many Malay marriages, once established, may reach a stable plateau or regress in the intensity of passion after two or three decades. These “companionate” marriages have an abundance of love in the companionate sense (*sayang*) and emotional support between spouses, but they lack love of the more passionate kind (*cinta*) and sexual desire (*nafsu*) for the spouse. Such marriages are said to be the ones at great risk of becoming polygamous, as the husband may seek sexual fulfillment (“*kepuasan*”) elsewhere. Indeed, many polygamous marriages I encountered in Malaysia were of this kind, where the first marriage, established twenty to thirty years ago, was succeeded by a new union in which the second wife was noticeably younger and deemed to be more sexually attractive.

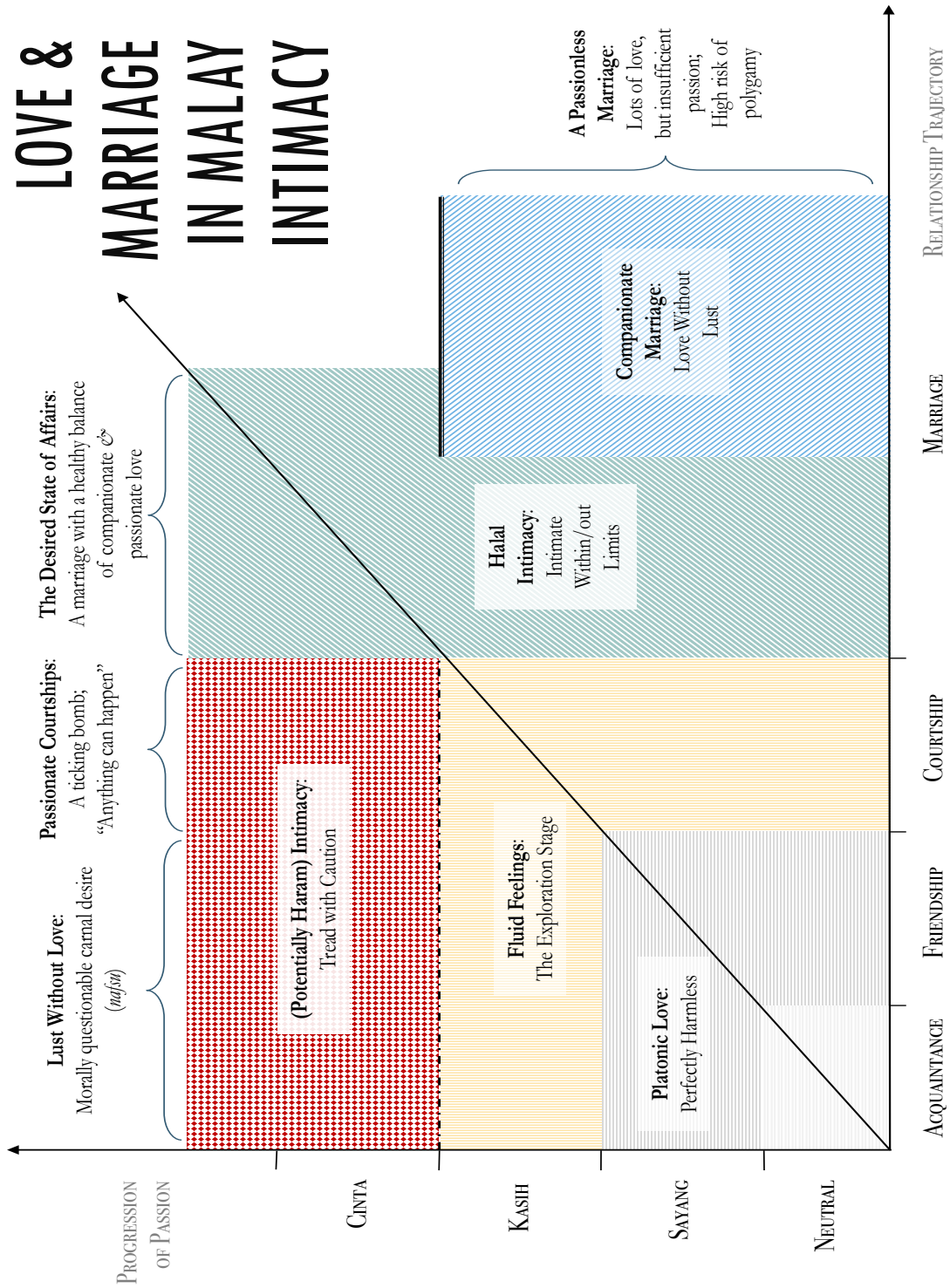


Figure 6: Love & Marriage in Malay Intimacy

Cinta and its powerful potential to incite sexual desire did invite a deep sense of ambivalence from my younger, more Islam-conscious Malay informants in Kelantan and Kuala Lumpur. I encountered a reemergence of the preference for post-marital love (*bercinta selepas nikah*), which was valorized by these young – and predominantly female, university-attending – Malays as morally superior to prolonged courtships verging on sinning. One young woman I met in Kuala Lumpur aged 19 defined post-marital love in the most succinct manner: “A relationship that is *halal* and is in accordance with the laws of Shariah” (“*Hubungan yang halal dan mengikut hukum syarak*”). Indeed, it is perhaps the ideal and sin-proof path towards *halal* intimacy: when asked why they advocated post-marital love, most responded with several variants of, “To prevent vice” (“*Untuk mengelakkan maksiat*”). One young woman offered an even richer response: “Post-marital love is more wonderful – everything that one does is *halal*” (“*Bercinta selepas nikah lebih indah – apa saja yang dilakukan adalah halal*”). This explicit evocation of the *halal* nature of post-marital love reinforced the notion that *cinta* could potentially elicit illicit desires, and therefore must be avoided or quickly channeled towards marriage to “purify” it and render it permissible for the couple. Nonetheless, *cinta selepas nikah* also attempts to subvert the established unilineal trajectory towards marriage by turning marriage itself into the starting point, rather than the destination, in the pursuit of “*halal*” intimacy.

III. Malay Marriage

Malay intimacy cannot be divorced from marriage. Earlier anthropologists writing about Malaysia did not specifically use the term “love” as a basis for marriage, but there are three distinct but overlapping terms they do refer to: “attract[ion]” (R. Firth 1966:39), “affection” (Djamour 1965:68), and “strong romantic attachments” (Banks 1983:152). This suggests that Malays have not only historically acknowledged the emotional (and sexual) motive in marriage, but also upheld the necessity of marrying on the basis of some interpersonal, intersubjective affective bond, as well as some degree of compatibility and complementarity (*keserasian*).

Marriage is informed by Malay *adat* and Islam (Kling 1995:54). It forms what Banks (1983:93-94) calls “the central structure in the rational ordering of traditional Malay

society”. According to Karim (1992:5-6), *adat*’s adherence to “bilaterality” minimizes hierarchical differences grounded in gender, as it recognizes hierarchy based on age, seniority, and marital status rather than gender. Karim (1992:6) suggests that there are stronger forces than gender that govern Malay sociopolitical relations. Age and seniority, matrimonial rank, the economic capital one possesses (e.g. material wealth and individual or family titles, either acquired or inherited), as well as more symbolic ones (e.g. positive personal attributes such as charisma and leadership skills, and upstanding moral qualities) all equally contribute to an individual’s social position (Karim 1992:6). This is not to say that *adat* considers both genders to be equal; rather, it attempts to neutralize such differences through reinforcing mutually benefitting values such as “generosity, generalized reciprocity, co-operation and sharing” (Karim 1992:5). As I will show in my subsequent discussions of Malay marriage, these *adat* values are similarly encouraged in Malay marriages, which are seen as a conjugal partnership between a complementary couple.

Malay *adat*’s bilaterality reflects a similar trend in its island Southeast Asian neighbors, where there is evidence of greater complementarity between the sexes (Waterson 1982; Errington 1990; Robinson 2008). Bilaterality in the kinship system in Southeast Asia, including Malaysia, accords the ego an almost equal sense of belonging to both its parents: neither the father nor the mother’s lineage claims a stronger affiliation with the child, and relatives from both parents’ sides are equally valued (Errington 1990:3; Karim 1992:10; Robinson 2008:13). Scholars writing on this region furthermore agree that women in societies with such bilateral gender relations enjoy a rather “high status” due to the personal and economic autonomy they possess (O’Brien 1988:47; Stivens 1996:57; Schröter 2013:7). Women’s refusal to consummate the marriage, for example, constitutes sufficient grounds for divorce (Carsten 1997:214; Strange 1981:214). Women also earn and control family finances, inherit as equally as their brothers do, and in divorce, are entitled to claim their share of the joint properties accumulated during the marriage (R. Firth 1966:28; Errington 1990:4; Ong 1990b:390; Karim 1992:124; Li 1998:679). The typical image of a male breadwinner, present in many Euro-American gender discourses, is subverted here, as Errington (1990:4) writes: “Instead of doling out spending money to their wives, men [in island Southeast Asia] tend to receive it from their wives.” This is indeed reflected in my own findings described in Chapter 6, where some Malay polygamous husbands I met actually become the beneficiaries of their (more financially

affluent) second wives. Being the economically privileged spouse in the marriage accords these second wives other symbolic advantages, such as possessing a greater capacity in decision-making as well as increased acceptance and respectability in the union.

Marriage, Carsten (1997) writes, is a process of “sameness” and “incorporating difference” that reproduces bilateral kinship relations. Writing on Langkawi, she notes that various post-marital traditions reflect the idea of marriage for Malays as a “balanced exchange” (Carsten 1997:215). One of these is the practice of *sambut-menyambut* (exchange visits), in which the bride and groom alternate equal number of nights between their respective parents’ houses (Carsten 1997:214). The ease in setting up residence after marriage demonstrates the fluidity of bilateral kinship relations in Malay society. Rather than following a strict virilocal or uxorilocal pattern of residence, the newlyweds may engage in *berulang* or “oscillating residence”, in which they spend varying lengths of time at both parents’ house, and may only begin to set up neolocal residence when they have children (Carsten 1997:67). The flexibility of Malay bilateral kinship offers women greater security in marriage: the close bond between a mother and her daughter generally means that the newlywed couple may end up staying longer with the wife’s kin, thus allowing the woman to maintain a strong emotional bond to her mother and profit from various kinship support in practical, everyday matters (Carsten 1997:68).⁷⁰ Marriage, therefore, is a delicate “balancing of obligations” to each spouse’s kin (Carsten 1997:67). Malay *adat*’s bilaterality offers women the room and resources to navigate difficult marital situations such as polygamy, where women may be vulnerable to various forms of economic and emotional inequalities.

Marriage accords one ritual power and the accompanying elevated status to adulthood (Karim 1992:131). As such, men and women’s “central” or “peripheral” status in Malay society is defined by their “matrimonial rank”, and both young men and women are typically marginalized by virtue of their age and pre-marital status rather than because of their gender. With marriage and, subsequently, parenthood, one acquires prestige and

⁷⁰ As I demonstrate through Karina’s case in Chapter 6, her decision to move back to her mother’s house after marriage and having her first child allows her to profit from assisted childcare from her mother and sister.

seniority (Peletz 1996:304).⁷¹ This highlights the importance of marriage in the construction of personhood, social adulthood, and, more specifically, adult womanhood for Malays. To be considered as a “full-fledged adult”, one is not only expected to engage in a conjugal contract and to bear or father children, but for women, they are also defined as “a particular man’s wife (or ex-wife or widow)” and “the mother of a particular man’s children”, and as having a certain degree of economic dependence on a particular man (Peletz 1996:304). Several first wives in polygamy I encountered such as Mak Zah (whom I describe in Chapter 6) found divorce an unwelcome possibility despite their unhappiness following their husband’s remarriage. This was because she felt more “secure” (“*rasa sedap sikit*”) in remaining married to her husband, which she hoped would at least guarantee some degree of social and economic protection that would be compromised with divorce. This *adat* emphasis on marrying and mothering explains why some Malay women sought socially contentious marital alternatives such as polygamy rather than remaining single.⁷² Islamic revivalist movements of the 1970s further attempted to foreground women’s biological role in producing children, and their social role in nurturing and molding them into respectable Muslim subjects (Ong 1990a:266; Peletz 1996:305; Stivens 2010:394).

Adat values play a significant role in Malays’ marital preferences by emphasizing particular criteria when assessing the suitability of a potential spouse. Malays typically gravitate towards members of the same ethnic (and, if relevant, sub-ethnic and linguistic) group, which perpetuates a sense of “ethnic and cultural homogeneity” through endogamous marriage (Karim 1992:134). Indeed, Djamour (1965:13) noted in the 1960s that Malay women found it “safer” to marry a man of their own “*bangsa*” (ethnic group) with whom there was a higher likelihood of cultural and social compatibility, even if he were poor. As one of Djamour’s (1965:13) female informants explained to her, “For what is the use of having a full belly if the heart is sad?” Today interethnic marriages in

⁷¹ Though admittedly this is not always the case when it comes to polygamy, for men who cannot afford to be polygamous yet choose to do so may suffer from a decrease in prestige if they are unable to perform their duties as a husband equally between their families.

⁷² Chapter 6 delves deeper into how societal pressures for marriage and motherhood make polygamy a viable option to singlehood.

Malaysia remain low, but do play a crucial role in “cementing interethnic harmony” (Sim 2010:200).⁷³

Beyond social and religious compatibility, *adat* also stresses the personal compatibility between two spouses themselves. Malay marriages should ideally be based on “sexual and social compatibility” (*keserasian*) and “mutual consideration” (*timbang rasa*) (Karim 1990a:26). In keeping with theories of Islamic marriages elsewhere (Tapper & Tapper 1993; El Alami 1994), Djamour (1965:68) suggests that Malays do not consider marriage as “a sacred tie”, but more as a “contract”. It is entered into with the knowledge that if either spouse “formed an affection for some other person”, the dissolution of the present union would be imminent so that the spouse may “embark upon another with the new love” (Djamour 1965:68). The centrality of love or some basis of romantic affection in Malay marriages is reinforced by my observation that most cross-border marriages in Thailand were driven by “love” (“*cinta*” or “*sayang*”). Malaysian State family policies which actively encourage Malay spouses to foster passionate and companionate love also support this observation, for the State held that love ensures continued fidelity within the marriage, thus leading to stronger and more stable unions.

This *adat* emphasis on compatibility meant that Malays have historically viewed marriage as a dissolvable union which should be discontinued when irreconcilable differences arise (Raybeck 1974:228; Laderman 1983:15). It is therefore unsurprising that Kelantan held one of the highest divorce rates in the Malay-Muslim world in the 1950s, with nearly half of Kelantanese marriages ending in divorce (Raybeck 1974:228; Jones 1994:260). This emphasis on personal compatibility reveals why many marriages I encountered in Kota Bharu’s Shariah Court ended prematurely through divorce. One husband simply explained his repudiation of his wife to the judge in the following way: “*Dok saye lagi*” (“*Tidak sayang lagi*”, meaning “There is no more love [for her]”). During the course of my fieldwork in Kelantan, I found that there was also little stigma attached to divorce, evidenced by women’s initiation of their own divorce in court to leave an unsatisfying

⁷³ Marriages in Malaysia tend to follow religious rather than purely ethnic lines, and religious synchronicity between the couple is seen as more important than belonging to the same ethnic group (Sim 2010:211). Although the polygamous marriages I encountered were predominantly Malay-Muslim, I did find Malay men marrying Cambodian and Thai women as second wives in Songkhla and Kota Bharu. However, it was much rarer to see a non-Malay Muslim practicing polygamy, save for a handful of exceptional cases.

marriage. There was also more ease in women's transition into remarriage; divorced women reserved their right to remarry, though with some social disapprobation. Many still remarried nonetheless, especially as second wives. This was facilitated by the widely-held belief that one could be destined for more than one *jodoh* (marriage, spouse, or match) in this world.⁷⁴

Intimacy for Malays is intimately linked to conjugality. When a Malay expresses interest in marrying someone, this is taken as an interest in having sexual relations with that individual too (Banks 1983:66). The centrality of marriage in the fulfillment of the biological need for sex thus enjoins every Malay individual to ideally "try to marry at least once", even if they were only remotely interested in sex (Banks 1983:94). Men in particular are placed under more significant pressure to marry than women, as it is feared that they may be sexually active but not within the confines of marriage, whereas women are typically assumed to be more "passive" and sheltered within the walls of domesticity that serve to protect their sexuality (Banks 1983:95).⁷⁵ As Rosemary Firth (1966:45) and Jones (1994:116) similarly note, pre-marital purity is heavily protected through moderate regulation of young women's movement upon reaching marriageable age. Marriage should thus ideally mark a point of sexual initiation, as both spouses are expected to remain chaste prior to marriage (Jones 1994:59-61).

However, interpretations of when would be the right time for marriage, and to whom, could vary widely depending on many factors. The fear that their children may fall victim to "*gila cinta*" or "*gila kahwin*"⁷⁶, or be involved in pre-conjugal sexual intimacy, propels many Malay parents to begin looking for a potential spouse for their children as soon as their sexual tensions "becom[e] noticeable", but just before they "become notorious" (Banks 1983:92). While conducting research in Kelantan and elsewhere in Malaysia, I similarly found that Malay parents often faced significant pressure to marry off their

⁷⁴ Besides securing companionship, the vulnerability of being harassed by men as a divorced or widowed woman by men makes remarriage for divorcees (*janda*) a more practical and safer option than remaining unmarried.

⁷⁵ Female virginity is particularly valued in Malay marital negotiations, for the bridewealth for a virgin (*anak dara*) could reach up to eight times that of a widow or a divorcee (*janda*) who has previously been married (Banks 1983:95; Peletz 1996:106).

⁷⁶ "*Gila kahwin*" is a state of psychological disturbance arising from the urgent desire to marry.

children as soon as they reached an “appropriate” age and found a “suitable” partner.⁷⁷ The primary reason for this was to protect young couples from committing *khalwat*, and to safeguard the family reputation from any possible scandal or slander. Elopements across the border could also be excused, especially if done in the name of “avoiding sin” (“*nak elakkan dosa*”). At least, people conceded, these couples attempted to “*halal-ize*” their relationship (“*halalkan hubungan*”) through marriage, which was a more palatable, Shariah-compliant and *adat*-conforming solution than resorting to the pre- or extra-marital consummation of the relationship, considered sinful (“*berdosa*”).

Intimacy as a conjugal privilege is also reflected linguistically in the Malay language. The Malay term for intimacy – “*keintiman*” – manifests itself only in very specific conjugal contexts, and is more predominantly used in reference to sexual relations between spouses (“*keintiman suami isteri*”, or “intimacy between husband and wife”), which must be maintained – and enjoyed – for any marital bond to endure. One would rarely hear “*keintiman*” being used to describe the deep romantic affections between two lovers – particularly if they were yet unmarried. In fact, if an unmarried couple were to emulate physical intimacy deemed only appropriate between husbands and wives (such as holding hands and kissing), this would be seen as “*tidak manis*” (literally “not sweet”, meaning “socially unacceptable”), and they would be reprimanded for “acting like husband and wife” (“*macam sudah bersuami isteri*”).

Interestingly, I had never heard “*keintiman*” being used in my discussions of love with my Malay interlocutors, particularly if they were unmarried. What appeared more predominant instead was “*cinta*” – roughly translated as “romantic love”. Even so, when my Malay informants – particularly the young, unmarried ones – spoke of “*cinta*”, the sexual attraction or physical desires contained therein were carefully concealed. This was in line with the particularly Malay tendency of downplaying any references to sex or

⁷⁷ Haste was even more crucial if the couple had been dating for a while and had made numerous public appearances together as if they were already married (“*macam orang dah berkahwin*”). This could include attending weddings and other family events together, or frequently showing public displays of affection (eg. holding hands, hugging) which were deemed inappropriate for unmarried couples.

sexual desire in speech, following *adat*'s demand for sexually restrained and modest behavior, particularly from women (Karim 1992:24).⁷⁸

“*Keintiman*” did however appear repeatedly in my readings of self-help guidebooks on how to build a “harmonious” marriage. One such bestselling book, aptly entitled *Suami Isteri*⁷⁹ *Paling Bahagia* (The Happiest Husband and Wife), addressed the readers in its synopsis:

“No words could be said to depict the sentiment of passionate (*cinta*) and companionate love (*sayang*), intimacy (*keintiman*), and romance (*romantis*) between two individuals lawfully wedded (*sah diijabkabulkan*) as husband and wife.”

“*Tiada kata dapat diungkapkan untuk menggambarkan rasa cinta, sayang, keintiman dan romantis antara kedua pasangan manusia yang sah diijabkabulkan sebagai pasangan suami isteri*” (Harun 2009).

The excerpt above highlights several crucial details of Malay intimacy promoted through popular, local literature catering specifically for married couples. This book proposes that ideally Malay married couples should aspire to achieve a healthy balance of companionate and passionate love (*sayang* and *cinta*) as well as sexual intimacy (*keintiman*). More importantly, the sweet taste of romance promised here is rendered even sweeter by the conjugal bond which makes the various possibilities of intimacy for married couples lawful and permissible – indeed, *halal* – in the eyes of God and society.

In line with *adat*'s call for the concealment of sexual desire, some of these guidebooks on fostering passion (*keghairahan*) and sexual intimacy between spouses even tone down the sexual nature of their contents, with euphemistic titles such as “*Indahnya Hubungan Suami Isteri Menurut Syarak*”, which translates into, “The Wonders of Spousal Relations According to Shariah” (El-Shazly 2014). Indeed, when I came across a copy of this book at a local bookstore in Kuala Lumpur, I was rather surprised to discover the sexually explicit content of the book, as the title had caused me to anticipate a more sedate exposition of day-to-day married life. I later realized that when purchasing the book, I

⁷⁸ This concealment of the sexual nature of their attraction also suggests a fear that such sexual thoughts or talk outside of marriage would be met with social approbation for the temptation of sexual and moral transgressions they may incite.

⁷⁹ In Malay, spouses are referred to simply as “*suami isteri*” (literally “husband wife”), which emphasizes the singular unity of the conjugal pair.

had overlooked a small note on the cover saying, “*Untuk bacaan suami isteri sahaja*” (“For the readership of husbands and wives only”), which suggests that the sexual content of the book was deemed highly inappropriate for unmarried readers like myself, for whom sex and its details could prove corrupting. As such, popular literature reinforces the notion that *keintiman* – that is, physical intimacy that accompanies the more sentimental and romantic feelings of love – remains the privilege of two lawfully wedded spouses. This genre of literature also explicitly excludes unmarried readers, thus colluding with the fear that exposure to information on sexual intimacy might incite desires that could lead towards *haram* (forbidden) acts.

Thus, having situated “permissible” (“*halal*”) Malay intimacy firmly within marriage, we may surmise that marriage is recognized as the *only* means condoned by both *adat* and Islam through which the consummation of love in the physical sense may be achieved. However, various societal, familial, and economic pressures create push and pull factors that threaten its delay or its premature contraction, with significant consequences. This co-mingling of the values of marriage and intimacy among Malays suggests that although Banks (1983:65) was writing more than three decades ago, his observation that marriage and “mating” were inseparable still rings true today. This is evidenced by the drastic acts of elopement to Thailand undertaken by Malay cross-border couples in pursuit of marriage, which I explore in the following chapter.

IV. Companionate Marriages

Classical anthropological works such as Crawley (1960 [1902]) and Radcliffe-Brown (1975 [1950]) have limited their analyses of marriage to an institution committed to the project of social and biological reproduction. These structural-functionalist interpretations of marriage have been solemnly silent about the affective basis of this (typically heterosexual) union even, as Borneman (1996:221) argues, reducing sex and sexuality in marriage to “sexual intercourse”. This is further reinforced by a dearth of scholarly attention in the discipline before the 1960s on love, which De Munck (1996:699) argues was upheld as a predominantly “Western” cultural construct and was seen to be eminently marginal in non-Western societies. This has since been refuted by

anthropologists in recent decades who have brought love to the fore, showing the ways in which it is central to the lives of people living in the non-Western world (Jankowiak & Fischer 1992; De Munck 1996; Lindholm 2006; Hart 2007; Mody 2008). This development has subsequently enabled the bridging in the anthropological literature between affective attachments and conjugal commitments, which illustrate, across a wide range of ethnographic contexts, how romantic love operates as a precursor to marriage (Ahearn 2001; Yan 2003; Mody 2008; Spronk 2009). More than this, some of these studies have also debunked the deeply-entrenched myth of the incompatibility between love (understood as individualistic, modern) and arranged marriage (that which is “traditional” and embodies the interests of the community), by demonstrating the manner in which romantic love between two individuals can be favorably received by their community, which can channel this love towards a quasi-arranged marriage (De Munck 1996; Hart 2007).

In addition to these studies, there is also increasing anthropological focus on the emergence of culturally-specific manifestations of “companionate marriage” – defined by Hirsch and Wardlow (2006:4) as “a marital ideal in which emotional closeness is understood to be both one of the primary measures of success in marriage and a central practice through which the relationship is constituted and reinforced”. Companionate marriages are far from a “new” product of modernity. Nonetheless, they do derive from rapidly-evolving courtship practices and refashioned ideas of romantic love that have emerged from socio-economic transformations in the past decade, be they “development” and the rise in literacy, capitalist consumption and the rise of courtship as a site of consumption, or the Christianization of notions of love and marriage (Illouz 1997; Ahearn 2001; Wardlow 2006).

These ethnographic studies of companionate marriage typically privilege the processes of marriage making in the shape of the psychological and emotional intimacy nurtured through decades of building a life together with one’s spouse. More importantly, physical and sexual intimacy between spouses – typically “tried and tested” during the pre-marital courtship period (Smith 2006:141) – are also considered as another crucial ingredient for a successful, continued marriage (Smith 2009). In western Mexico, younger women increasingly model their marriage based on the notion of *confianza* (intimacy), in which mutually reciprocated sexual intimacy (specifically, sex itself) serves as a sort of “marital

glue” that secures the marital bond (Hirsch, Higgins, Bentley & Nathanson 2006:104). So fundamental is the fulfillment of sexual needs in the marriage – in particular, for wives to be seen as sexually available to their husbands – that women would risk exposing themselves to HIV infection from their husband, rather than requesting the husband to use condoms and risk raising suspicion of his infidelity (Hirsch et al. 2006:109).

The centrality of love in the conception – and sustenance – of marriage for Malays emphasizes how spousal intimacy and emotional engagement take primacy within this institution. However, as Hirsch and Wardlow (2006:3) suggest, it is “one thing to marry for love and another to stay married for love”. Although *kasih sayang* and *cinta* may pave the path towards marriage, and remain as ideal aspirations after marriage, these loves pre- and post-marriage may differ greatly in depth and intensity. Love after marriage is no longer founded simply on passion and amorous sentiments, but on the correct fulfillment of “roles, rights, and responsibilities” (“*peranan, hak, dan tanggungjawab*”) between spouses, as enjoined by the Kelantanese state based on Islamic precepts on spousal relations (Panduan Keluarga Mawaddah Negeri Kelantan 2014:8). According to its *Dasar Keluarga Mawaddah Kelantan* (Kelantan’s Loving Family Policy) campaign, marriage should be embarked upon as a shared project, in which the husband “leads” (“*memimpin*”) and the wife serves as his willing “assistant” (“*[p]embantu suami*”) in all affairs concerning childcare and household management (Panduan Keluarga Mawaddah Negeri Kelantan 2014:11). Crucial to this endeavor is the formation of a loving, dyadic (and implicitly monogamous) relationship between the husband and wife, anchored on an emotionally fulfilling exchange of *kasih sayang* and *cinta*. Indeed, this campaign strongly encourages couples to continue stoking the fire of passion after marriage, citing a “healthy and condoned sexual relationship” (“*Perhubungan seksual yang sihat dan diredhai*”) in its list of 63 aspirations couples should strive for in the marriage in its guidebook (Panduan Keluarga Mawaddah Negeri Kelantan 2014:27). Loving spouses – and spouses who love each other – are more likely to invest more of their time, money, energy, and faith into the family, which could prevent temptations for spouses to seek emotional fulfillment and sexual satisfaction elsewhere (JAKIM 2012).

Such state initiatives on family and post-marriage (*pasca perkahwinan*) campaigns denote how the Malaysian State fully attributes the presence of love – both the companionate (*kasih sayang*) and passionate (*cinta*) kind – as a predicting factor of conjugal satisfaction

and stability. This also demonstrates the State's vision of the Malay family as being a family unit founded on a strong conjugal bond, where spouses bear the task of ensuring "family wellbeing" ("*kesejahteraan keluarga*") to its citizens. More importantly, this suggests that despite the formal institutionalization of polygamy in Malaysia, the State nonetheless expresses a strong preference for monogamy as the ideal form of conjugality. A spouse's (usually the husband's) diverted love, loyalty, attention, and resources could destabilize the family unit, as my own explorations of polygamy in Chapters 6 and 7 demonstrate. A deviation from this marriage model could pose a serious threat to the Malay family, leading to "tighter" legal-bureaucratic restrictions on marriage, discussed in Chapter 5. However, I suggest that the State also compromises its own monogamous preferences, when it allows the registration of extra-legal polygamous cross-border marriages contracted in Thailand. This concession, permitted to men who would otherwise be deemed "ineligible" ("*tidak layak*") for polygamy, illustrates how the right to polygamy matters more to the State than its actual consequences to the well-being of women and children.

To conclude, *halal* intimacy is considered here as both a driver and an outcome of marriage. It straddles both moral worlds – Islam and *adat* – for the limits and sanctions on intimacy imposed by *adat* coincide heavily with those prescribed by Islam, thus blurring the boundaries between these two deeply-entrenched moral forces in Malay society. *Adat* also provides Malays with a rich blueprint for dealing with desire, from its initial conception to its eventual actualization. Those who have deciphered *adat*'s code of rules on intimacy will realize that despite any preliminary reservations, *adat* does in fact allow for the flourishing of intimacy, within certain (conjugal) limits. The Malaysian State further perpetuates the indispensability of intimacy through promoting the model of a companionate, loving marriage, as the foundation of stronger and more stable Malay families. In subsequent chapters, I illustrate how covert cross-border marriages and illegal polygamous marriages not only constitute a serious legal transgression, but also a subversion of this companionate marriage model, which eventually deliver the promise of unhappiness and, for some, failure.

Chapter 3: Intimacy Under Surveillance

“Cinta halal adalah halal; cinta haram adalah haram.

[Halal love is halal; haram love is haram.]

Can’t we be clear on this?”

- Syahr Musafir⁸⁰ in a Facebook rant against “*haram*” pre-marital courtship (“dating”)

The subject of sex often elicited embarrassed glances, vague responses, and feigned ignorance when discussed openly by my Malay informants. Nevertheless, it was widely acknowledged that every individual – man or woman, young or old – harbored sexual desires, for these were considered an integral part of being human (*fitrah manusia*). Malays also held clear parameters on how these desires could be expressed and fulfilled, the most important being that the couple must be recognized as man and wife under Shariah law before indulging in (physical) intimacy.

In this chapter, I demonstrate how a perceived liberalization of sexuality among Malays (especially the youth) has instigated proactive measures by the Malaysian State to police illicit sexual intimacy between unmarried Malay couples. I focus on Kelantan in particular, where *ulama* leadership has enforced a stronger adherence to Islamic values and mores, translating into stricter surveillance of intimacy. Amidst the State’s clampdowns on its sexually “errant” subjects, for my young informants in Kota Bharu, Kelantan, marriage – contracted in-state or across the border in Thailand – became a strategy for securing “*halal*” intimacy that rendered permissible sexual desires otherwise considered illicit for unmarried couples. Although early marriage (*kahwin muda*) is promoted on the basis of circumventing sin, this often comes at the cost of its own long-term sustainability. Young couples are thought to be “hasty” if they embark on marriage without sufficiently investing in the necessary pre-marital preparations *adat* recommends, leading to shorter, and more unstable unions.

Despite the conservative *adat* attitudes towards pre-marital sexual practice, recent quantitative studies conducted on adolescents’ pre-marital sexual activity in Malaysia

⁸⁰ Syahr Musafir is a local Malay-Muslim author who writes on the virtues of post-marital love (*cinta selepas nikah*).

have indicated an increasing prevalence of sexual intercourse among Malay-Muslim teens (Zulkifli & Low 2000; Lee et al. 2006; Wong 2012; Nik Farid et al. 2013; Abdullah et al. 2014; Abdul Manaf et al. 2014; Abdul Ghani et al. 2014; Mohd Suan, Ismail & Ghazali 2015). The mean age at sexual initiation for male teens rests at 15, but female teens were sexually active from as young as 12 years old (Abdul Rahman et al. 2011:718; Abdullah et al. 2014:334). This is remarkably lower than data acquired a decade ago, when, as Jaafar, Wibowo & Afiatin (2006:9) reported, the average age of first sexual encounter for the Malaysian youths they studied was 18.

This decreasing age at sexual initiation is not accompanied by even the basics of sexual education in schools. Many of these studies point to teachers' reluctance to directly address such culturally "taboo" matters such as sex in Biology or Islamic Studies⁸¹; nor are parents typically involved in the sexual education process at home (Abdul Rahman et al. 2011:718; Talib et al. 2012:344; Wong 2012:7). As a result, young adolescents turn to their peers to learn about sex, which may cause peer pressure among the group to be sexually active (Jaafar, Wibowo & Afiatin 2006:9; Abdul Rahman et al. 2011:719; Abdul Manaf et al. 2014: S87). On the other hand, there is also significant pressure for Malay youth to conceal their sexual activity from adults, as pre-marital sex is forbidden under Islam and Malay *adat*. As such there is "fear of being seen" while procuring contraceptives in public, and also tremendous reluctance to approach adults for guidance on sexual matters, which encourages unprotected and uninformed sex (Zulkifli & Low 2000:279; Wong 2012:6-7; Abdul Manaf et al. 2014:S84).

Male teens in these studies were found to be more sexually active, but their female counterparts were at greater physical and emotional risk from engaging in pre-marital sexual intercourse (Lee et al. 2006:477; Abdul Rahman 2011:721). In addition to exposure to sexually transmitted diseases (STDs), sexually active female teens faced a high risk of pregnancy, particularly as such studies reported remarkably low levels of contraceptive use (Zulkifli & Low 2000:277; Wong 2012:8). The risks for pre-marital pregnancy were further exacerbated by a severe lack of knowledge about sexual and

⁸¹ That sexual education is also a concern in the Islamic curriculum suggests that children and adolescents are nevertheless taught about the morally precarious nature of sex in schools.

reproductive health among young teens (Abdul Rahman et al. 2011:720).⁸² It is therefore unsurprising that Malaysia has also seen rising levels of teenage pregnancies culminating in children born out of wedlock. Between 2006 and 2010, around 80,979 children were born with illegitimate status (*anak tidak sah taraf*) to unmarried Malay mothers (Abdul Ghani et al. 2014:617).⁸³ Social and cultural sanction against pre-marital pregnancies also leaves little room for young women pregnant out of wedlock to become mothers themselves. Pregnant women have little recourse to abortion if they choose not to continue their pregnancy. Although abortion is permitted by law and approved by Islamic leaders under certain conditions,⁸⁴ difficulties in its access within the public healthcare system make it almost inaccessible to women (Abdullah & Wong 2010:210).⁸⁵ This lack of positive institutional and socio-cultural responses to pregnancies out of wedlock has led to a high rate of infant abandonment in Malaysia, which, public opinion held, was reaching an alarming prevalence.⁸⁶ Infant abandonment is regarded as (attempted) infanticide punishable under the 2001 Child Act by a fine not exceeding RM20,000 (£4,000), imprisonment up to ten years, or both (Mohd & Alkali 2015:73). Despite the criminalization through law, reports of infant abandonment continue to pervade the nation's media (Ling 2017; Nawawi 2017), intensifying anxieties among my Malay informants about the moral state of today's teens. One Malay woman in her 50s I met in Seremban commented how this liberalization of young people's sexuality, and its consequences such as teenage pregnancies and infant abandonment, seemed to her a

⁸² This study even reported prevalent misconceptions among its respondents (secondary school students in Kelantan) that a single occurrence of sexual intercourse is insufficient to cause pregnancy, and that washing the vagina or showering after sexual intercourse could prevent pregnancy (Abdul Rahman 2011:720).

⁸³ In 2011, the Ministry of Health reported that 18,652 cases of teenage pregnancy were reported in their hospitals throughout the country. In 2014, this number had reduced to 16,528 (Hasbullah 2016).

⁸⁴ Abortion is permitted under exceptional circumstances only, such as if continuing the pregnancy endangers the health of the mother. However, in 2002, the *Fatwa* Committee decreed that abortion after ensoulment, thought to occur within 120 days of pregnancy, is not permitted and considered murder (Abdullah & Wong 2010:202).

⁸⁵ Abdullah and Wong's (2010:208-210) study on public access to abortion for women in Malaysia found that a woman seeking a legal abortion through the public healthcare system would need to go through pre-abortion counselling, and require the approval of two doctors, a psychiatrist, and her husband's signature. This delays the abortion procedure significantly and excludes unmarried women from access to abortion in government hospitals. Consequently, many women with unwanted pregnancies appeal to expensive private healthcare providers for faster abortion services instead, or resort to self-abortion by administering harmful abortifacients.

⁸⁶ Socioeconomic factors such as poverty, lack of religious guidance or knowledge on abortion options available have also been cited as possible causes of illegal infant abandonment (Razali et al. 2014:1717).

“recent” phenomenon. In her younger days, she said, she hardly ever heard of such cases. She then interpreted this to be evidence of a stronger adherence to Malay and Islamic moral codes of sexual propriety among her generation, which differed markedly from the case of young people today.

The “rampant” incidences of teenage sexual activity become a State matter when it begins to take proactive measures to ensure that pre- and extra-marital sexual intimacy are condemned in favor of a “*halal*” form of intimacy consigned to marriage. In the next section, I demonstrate the State’s scrupulous management of intimacy in Kelantan through an overt and more forceful form of moral surveillance by the *Maksiat* (Vice) Prevention Unit (MPU).

I. Moral Policing in Action

The high rate of *khalwat* cases charged by the MPU and recorded yearly by JAHEAIK reflects an intense desire to engage in pre- or extra-marital intimacy with a non-spouse. For example, in 2009, 645 *khalwat* cases were recorded in Kelantan, followed by 585 in 2010; 345 in 2012; and 455 in 2013.⁸⁷ Regardless of the statistical prevalence of *khalwat*, the general perception among my Kelantanese informants was that *khalwat* seemed to be occurring at an unnaturally high rate, sufficient to instigate a sense of public anxiety that pervaded our daily conversations. It is this sense of moral panic that drives a stronger State-led suppression of pre- and extra-marital intimacy through a team of bureaucrats who conduct a round-the-clock surveillance of intimacy by a team of (usually male) officers known as the *Unit Pencegah Maksiat* (literally the “Vice Prevention Unit”, which I refer to as the “Moral Police Unit” here or simply “MPU”). The MPU is proactive, operates in overt ways, and also counts on the support of the community, making moral policing here a collective effort as well.

Every state in Malaysia deploys its own MPU within its jurisdiction, but my focus in this section is Kelantan’s MPU operating under JAHEAIK, whose officers I had the

⁸⁷ These numbers suggest that *khalwat* constitutes the highest number of cases the MPU deals with every month.

opportunity to observe during my time in the city of Kota Bharu.⁸⁸ Its primary responsibility in society was the surveillance of its Muslim subjects' moral conduct in almost every aspect of their lives. The MPU attempted to prevent any form of immoral and "un-Islamic" conduct, which encompassed *khalwat* (being in close physical proximity with a non-spouse of the opposite sex), the (public)⁸⁹ consumption of alcohol or other intoxicants (*meminum arak*), and gambling (*berjudi*). These were instituted as crimes punishable by a hefty fine or jail sentence under the existing Shariah Criminal Code. For example, under Section 9 of the Shariah Criminal Code of 1985, which was uniformly applied across Malaysia, the penalties for *khalwat* between an unmarried man and woman could include a fine not exceeding RM2,000 (about £400), imprisonment for up to one year, or both.

Khalwat is generally defined as the sanction against an unmarried man and woman with no kinship ties being in a secluded space together in situations that "arouse suspicion" (*"mendatangkan syak"*). A heterosexual unmarried couple sitting in a car parked in a secluded parking lot at night already constitute sufficient grounds for prosecution; if found in a locked hotel room, this could fuel suspicions of illicit intimacy sufficient to mobilize an arrest by the MPU. But what precisely constitutes "suspicious" circumstances is open to interpretation. Many couples have felt wrongly accused of *khalwat*, for being in a secluded space does not necessarily mean the couple were engaged in immoral activities. In fact, MPU's proactive presence is at times felt by Muslims to be intrusive and inconveniencing; one female Shariah lawyer in Selangor, for example, expressed her indignation in the local press at the injustice of being arrested for *khalwat* while doing something as innocent as moving furniture to her new apartment with a male friend (Zahid 2014).

⁸⁸ The MPU I interviewed suggested that they also conducted surveillance operations in villages as well, though they remained most active in Kota Bharu (Kelantan's biggest city), where they thought there would be higher incidences of "vices".

⁸⁹ Any consumption of alcohol is considered sinful (*berdosa*), but it is especially problematic if done in public – an act which would offend Islamic (and Malay) sensitivities towards alcohol. Alcohol is more widely consumed and sold in more urban and metropolitan areas whose population has a greater share of non-Muslims, for whom alcohol consumption is permitted. Kelantan, being a less urban and predominantly Malay state, is less tolerant of public consumption of alcohol. Nevertheless, Raybeck's (2000:27) personal experience of being taken to an underground "bar" and subsequently offered a "prostitute" by his male informants while conducting fieldwork in rural Kelantan does suggest that Muslim men secretly engage in such activities, away from prying eyes.

Interestingly, only women charged with *khalwat* could be liable to an additional corrective measure from the court: a placement of no longer than a year in a community home (*rumah kebajikan*). This penalty, specifically given to women, crucially signifies that deviant male sexuality is excused and liable to lighter punishment, while aberrant female sexuality is considered more morally (and legally) transgressive. It furthermore suggests the State's assumption that female *khalwat* offenders are likely to be morally deviant because they may have strayed far from paternal and parental supervision.⁹⁰ This creates the mandate for the State to reestablish closer surveillance of women's sexuality by placing them in a controlled environment such as a community home. Fears of pregnancy out of wedlock could also spur this additional measure, particularly as, if the press is to be believed, cases of abandoned newborn babies (*kes pembuangan bayi*) abound – in 2015 alone, the Ministry of Health (*Kementerian Kesihatan*) reported that around 3,980 teenagers (28.8 per cent of 13,831 teenagers aged between 10 to 19) had a pregnancy out of wedlock, intensifying fears of more liberalized sexuality among the youth (Utusan Online 2016).

As MPU raids were frequently conducted at night and by an all-male MPU squad, it was considered highly inappropriate by Malay standards of propriety for me, as a single, unmarried female, to accompany them on these missions. Aware of this, I had to settle for interviews and observations in their headquarters, during which they related to me their *modus operandi* and their encounters with various moral crimes. Kelantan's MPU operated primarily as a team consisting of two or three officers – typically men of strong build, in their 30s or 40s – who acted upon (often anonymous) public complaints lodged via its public hotline. This team also made “rounds” (*rondaan*) in certain areas known to have a high rate of such immoral conduct such as the Pantai Cahaya Bulan (PCB) beach and a park near the airport runway, popular as a “dating spot” (*tempat berdating*) among young couples. Several cheap hotels and motels which were popular destinations for one-night stands also often had members of the public – usually the staff at reception – “spying” and reporting to the MPU whenever a couple they suspected of being unmarried checked into a hotel room together. Such communal moral policing efforts were in fact

⁹⁰ Indeed, I was pointedly told of several *khalwat* cases in court that involved young women growing up in broken families.

actively encouraged and rewarded by the Kelantanese state; as one of the MPU officers I interviewed mentioned, they often offered a small financial compensation to those who assisted the MPU fight to prevent *maksiat*.

The MPU occasionally carried out raids on certain establishments (such as a house where a mixed-sex party was taking place) in collaboration with the police, immigration, and anti-narcotics units. In such operations, the scope of crime being policed was more than simply immoral conduct; they would also be on the lookout for drug use, sale, or distribution, or illegal immigrants. This is evidence of cross-bureaucratic collaborations between the Islamic Bureaucracy and other more secular state bureaucracies. It also reflects the extent of the Islamic Bureaucracy's authority, which extends far beyond the realm of ritual practice and spiritual concerns, but also includes more secular affairs that pertain to the general moral well-being of society. The MPU more often than not operated on its own, and – the MPU officers lamented – without guns. They watched jealously as the neighboring state of Terengganu finally allowed their MPU officers to carry a gun while on the job, and complained that the Kelantanese state was still working towards granting them the same right. I was rather surprised to learn that the MPU officers were eager to be armed but, they assured me, this was purely for self-defense reasons; they had simply lost count of how many times individuals caught red-handed had attempted to run them over with their car, jump from a hotel window, or physically assault them. A gun, they said, would make them feel safer while on the job in Kelantan.

The MPU have nevertheless undergone the same intense physical and self-defense training as any newly-inducted police officer, which suggests that they have been trained to use physical force in some form or another if the situation demanded. I also noticed other similarities between the MPU and an anti-crime police force: the MPU squad, for example, wore uniform of a similar dark blue color (but of different style and different badges) as police officers, such that one could easily consider the MPU to be the Shariah's very own "police force".⁹¹ Upon further inquiry, I discovered that the bureaucratic

⁹¹ When I conducted my interviews with the MPU officers in their office, it struck me that their office, located in the headquarters of Kelantan's Department of Religious Affairs' (JAHEAIK), looked no different from a police station (*balai polis*): the room was dimly lit with fluorescent lights, painted the same green, and there was a TV with the local soap playing in the background, and a resident hamster in a small cage. What was most striking, however, were the cells located in one corner of the office, which on the afternoon of my visit, had one miserable-looking incarcerated male occupant in his early 20s.

processes following arrests carried out by the MPU followed those of the police force too. Once the offender had been identified and apprehended, he or she would be taken to the station (in handcuffs), and the officer responsible for the arrest would fill in a *laporan tangkapan* (arrest report), which outlined the circumstances and various details of the arrest. At the MPU station, the offender would have to bring in a guarantor (*penjamin*) to pay the bail as a condition of release. Usually this was a parent or a relative of the offender, particularly if he or she were still under the age of 18. The MPU officer then forwarded the *laporan tangkapan* to a state prosecutor (*pendakwa raya*) who then brought the case forward to court. During the trial, the judge would determine the severity of the offense (this included considering the age, occupation, and marital status of the offender, their relation to the second or other offenders – if any – and whether this was a first offense or not), and set an amount for the penalty accordingly. Failure to pay such penalties could result in jail time – a threat rarely enforced.

Some of the most frequent *khalwat* cases I heard in court typically involved a male and female university student caught in a hotel room. A typical arrest went like this: The MPU squad were tipped off by a member of the public (usually the hotel receptionist) regarding a young couple who had just checked into a hotel room. The MPU would knock on the door, to no response. As a last resort, they would use the hotel's master key to open the door – or, in more desperate circumstances, they would break down the door and enter by force – and find an unkempt bed, a man in underwear but no shirt, and the woman in the bathroom wrapped in a towel. Judging from the way they were dressed, there would be absolutely no doubt in the minds of the MPU officers as to what the two had been up to, and a case would be lodged against them. Such details as the disheveled state of undress in which the couple were found at the time of the arrest were always read out loud from a document called *fakta kes* (case facts) in court (and clearly audible to the public) before the trial commenced. This practice has been condemned by the public as humiliating to the offenders (Zahid 2014). However, the *fakta kes* can also be seen as a crucial performance that established how and why the MPU officers were able to deduce whether they had encountered a *maksiat* situation or simply a misunderstanding; this is why, they argued, it was absolutely necessary to publically report on circumstantial details that would attest to the phenomenological validity of this crucial point of encounter.

The MPU's crackdown on illicit intimacy does not mean that the Islamic Bureaucracy stands opposed to any public (or even private) expressions of physical or non-physical intimacy. To the contrary, the moral principle they attempt to inculcate in society through such initiatives is that one can be physically intimate, but only with the "right person" – that is, only with one's lawfully-wedded spouse. This is still considered unacceptable in public though – a husband and wife with sufficient proof of marriage could be arrested by the MPU for "indecent behavior" (*berkelakuan tidak sopan*) if engaging in public displays of intimacy that would offend Malay moral sensibilities such as cuddling together, holding hands, or kissing. Such public expressions of physical intimacy were considered highly inappropriate because they were thought capable of inducing lust or sexual desire in *others*, especially, it was feared, among the hot-blooded, unmarried youth (*orang muda berdarah panas*), whose sexuality prior to marriage was supposedly yet to be "activated".

Of further significance here is that what counts as "unlawful" intimate contact between a man and woman and what doesn't – in other words, what is "*halal*" intimacy and what isn't – is collectively determined by religious bureaucrats who do the moral policing on the ground in everyday life, with a certain degree of public participation and support. This, I suggest, illustrates an explicit display of authority and bureaucratic intervention in their Muslim subjects' intimate lives, as the Islamic Bureaucracy holds significant authority in determining with whom, where, and how intimacy can be conducted. At the same time, these limits to physical intimacy are also eagerly enforced by the general public, which illustrates the cognizance, complicity, and compliance of the wider community in the State and Bureaucracy's moral policing efforts.

II. Early Matrimony

Policing and punishment were not the only methods through which the Islamic Bureaucracy attempted to inculcate its moral standards on its Muslim subjects. On the contrary, the Islamic Bureaucracy also engaged in more gentle means of educating Muslims about the limits of intimacy – that is, by upholding the institution of marriage as a universal aspiration that all must strive towards. Indeed, the Islamic Bureaucracy often

emphasized that it was better to be married (even, or especially, at a “young” age) than to commit *zina*, or physically intimate behavior that challenged the boundaries of permissibility and could possibly eventually lead to unlawful sexual intercourse between an unmarried couple.

I once observed a case in Kuala Lumpur’s Shariah Court which dealt with *khalwat*. The judge asked the female offender her age. When she replied, “Twenty-eight” (by Malay standards “late” for marriage), the judge immediately berated her for not yet being married at this age, which, he suggested, was perhaps what had led her down the path of *zina*. Thus, precisely because matrimony makes permissible (*halal*) intimate relations that would otherwise be considered *haram* (unpermitted), the Islamic Bureaucracy is highly enthusiastic about encouraging marriage among its Muslim subjects, particularly those in their early 20s who have never been married before and are recognized as having “hot blood” (“*darah panas*”, here meaning unreleased sexual desires). One such instance was in December 2010 when the Federal Territory of Kuala Lumpur’s Department of Religious Affairs (*Jabatan Agama Islam Wilayah Persekutuan Kuala Lumpur*, or JAWI) organized a mass wedding celebrating the union of 228 Muslim couples (JAWI 2010). In addition to this state-sponsored wedding, couples chosen also received RM500 in cash and matching wedding suits for the bride and the groom to be worn at the wedding. According to JAWI’s website, the main incentive for this program was “to encourage and motivate the people to leave an unhealthy lifestyle and choose to build a marriage through the correct procedures of the Shariah”. By providing financial incentives and the opportunity to marry, JAWI thus facilitates the path towards matrimony that would lead couples away from falling into illicit sexual temptation.

My Kelantanese informants similarly held that the precarious presence of sexual desire was one of the reasons why young couples were encouraged by Nik Aziz to “marry early” (“*kahwin awal*”) rather than engage in a prolonged period of pre-marital courtship. “At least,” my regular taxi driver in Kota Bharu – himself an unmarried man at the age of 28 – said:

“If the girl becomes pregnant, the husband will naturally have to take responsibility for it. If they were not married, there is no guarantee that her fate (*nasib*) would be protected.”⁹²

Early marriage was thus strongly advocated, particularly to young people, who were widely regarded as being “hot-blooded” (“*berdarah panas*”) and therefore in need of an acceptable avenue for the fulfillment of their sexual needs. This corresponds to Peng’s (2011:141) observation that religious and cultural factors play a role in determining earlier ages at first marriage, which tend to be earlier in less developed states (such as Kelantan, Kedah, Terengganu, Perlis, and Pahang). I had also frequently encountered or heard of cases in Kelantan where young girls were married immediately after they completed their secondary education at 17, and some even younger if the *wali* consented to the union.⁹³ This was remarkably early compared to other parts of Malaysia, where women usually married after they completing some form of tertiary education – generally around the age of 22 when they may have acquired a university diploma.⁹⁴

⁹² In Kelantanese Malay, he had said, “*Sekughe-kughenya kalo hok tino mengandung, hok jate terpaksa ambil tanggungjawab. Kalo dok nikoh lagi, belum tahu nasib dia terjaga.*”

⁹³ The minimum age for marriage is 16 for women, and 18 for men; under-aged marriages do take place, especially in the villages and in the more rural parts of Kelantan, but this is not frequently heard of in and around the city of Kota Bharu itself.

⁹⁴ Ahmad (2009:67) suggests that by 2007, the number of women in Malaysian universities exceeded that of men by 23%, suggesting a stronger female participation in higher education. I do not believe that this presents an accurate picture for Kelantan. While there, I encountered as many women who opted for employment immediately after finishing secondary school to earn a supplementary income for their family as those who went to a college or university. Much of this also depends on whether their studies could be financed by their parents or study loans and bursaries offered by the Kelantanese or Federal state.

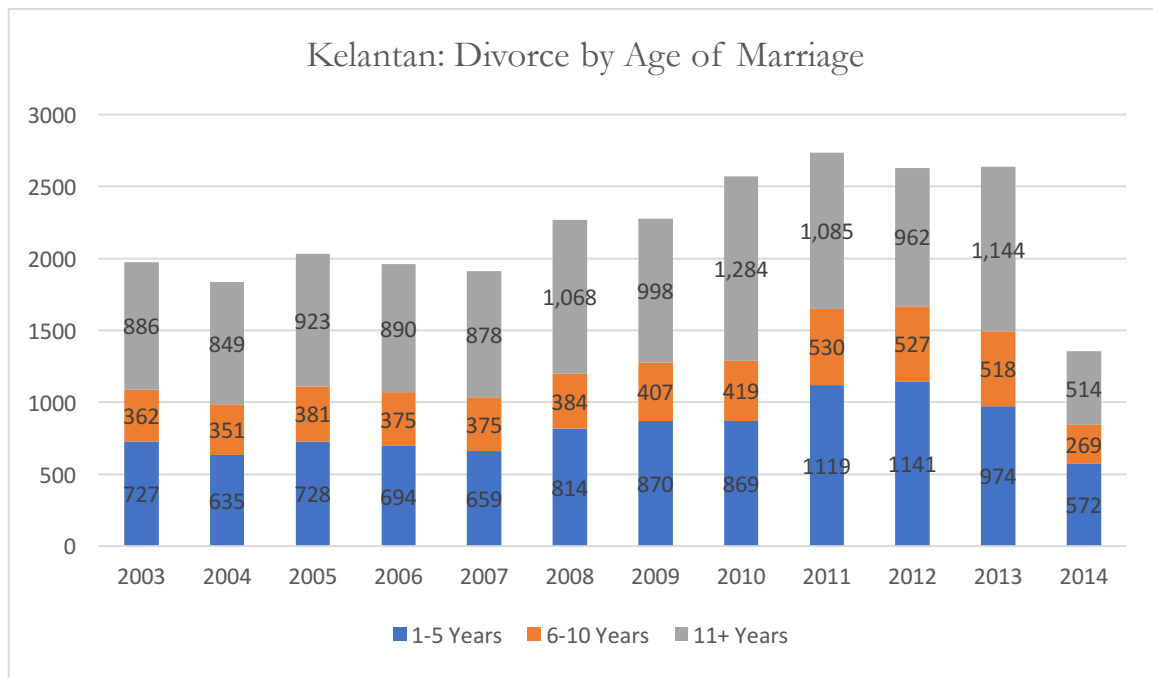


Table 1: Divorce by Age of Marriage (2003-2014)

Source: Kota Bharu Shariah Court Archives

Marrying young (*kahwin muda*) may indeed hinder hot-blooded couples from committing pre-marital sexual or the moral transgressions so feared by Malay society. Yet statistical data obtained from JAHEAIK represented in the graph above indicate that between 2003 to 2014, roughly a third of divorces in Kelantan were of marriages aged less than five years, and therefore still in their infancy. The graph above demonstrates a striking trend in which a surprising number of divorces occur either early in the marriage, or after more than ten years of marriage. My archival research into divorce case files suggests that wives applied for divorce more than husbands did. “Irreconcilable differences” (“*Tiada persefahaman*”) constituted the bulk of causes for their application, followed by the husband’s failure to provide maintenance (*nafkah*). The husband’s polygamy (“*Suami kahwin lain*”) was not always cited as a direct cause for divorce, but it often manifested itself indirectly through other causes that contributed towards divorce such as the failure of the husband to continue to provide *nafkah* (maintenance) to his wives.

Although these statistical data make no direct link to the age of the divorced couples, Kelantanese couples who did marry early – typically between the ages of 18 to 23 – were well-represented in court proceedings on divorce, often seeking separation at the first sign

of incompatibility. My observations in Kota Bharu's Shariah Court revealed that such couples sought divorce accompanied by their family – even, in many cases, urged by their family to do so. One judge complained to me about this intrusive family interference (*campurtangan keluarga*) contributing to the rising divorce rates among young couples, as they were given less freedom to navigate their own marital challenges without the meddling interference of their families. Shariah Court judges strongly disapproved of this family interference, frequently counselling the young couples to return to their homes to work out their issues on their own first instead of resorting to a hasty divorce.

On the other hand, family interference in a couple's marital affairs also demonstrates the availability of a strong network of kin who stand by to provide support, even after divorce. Many divorced women I encountered found that emotional and financial support from their parents (particularly mothers) and siblings during their period of marital collapse were indispensable in helping them to re-establish themselves following a difficult divorce. While in Kota Bharu's Shariah Court, I once witnessed the expediency of having kin support for women during the trial of a *khul*⁹⁵ divorce, in which the wife attempted to “buy” her divorce from her husband by paying him an agreed amount in compensation. In this case, the judge had ruled that the plaintiff (the wife, a middle-aged woman in her 50s) could be granted a divorce if she could pay the husband a compensation of RM3,000 (£600), to be paid in court within the next hour. The plaintiff agreed, and I saw her sisters (also present in court during the trial) immediately whisk bundles of cash out of their handbags, which they began counting in hushed whispers amongst themselves. As this unfolded, I also heard one of the sisters negotiate the sale of a gold bracelet she was wearing to another woman sitting nearby to raise more cash. Within the next hour, the plaintiff had gathered the full sum needed in thick wads of Ringgit bills, which were duly paid to the judge's assistant (*pembantu Shariah*). The couple then reconvened in a continuation of their trial for the divorce to be finalized by the judge. That afternoon, she walked out of the Court a free woman, in large part owing to the availability of her kin's emotional – and more crucially, financial – support during her period of marital crisis.

⁹⁵ A *khul* divorce (*cerai tebus talak*) is an option women have recourse to if the husband refuses to make the repudiation of divorce on his own will. In such a case, the wife may negotiate to “compensate” (*tebus*) him with money, property, or anything of value (such as gold or silver) in exchange for a divorce. Most *khul* divorces I saw in court were initiated by women; men would rarely have to resort to this, as they hold the right to repudiate (*sebut talak*) his wife if he so chooses.

The lack of awareness of spousal roles and responsibilities was, according to one judge, another challenge in sustaining these early marriages. During my observations in Kota Bharu's Shariah Court, it was not unusual for a divorce proceeding in the privacy of the judge's chamber to turn into a lecture by the judge who pontificated on the spousal duties expected in marriage according to Islam. Young husbands were frequently castigated for not performing their duties as the primary economic provider or for spending too much time in the coffee shop with their friends rather than with their wife at home. Young wives were often advised on a different matter; one of the points frequently reiterated by the judge was that after marriage, a woman's obedience to her husband superseded that to her father. One divorce case involving a young couple in their early 20s turned out to have been caused by the wife's father, who instigated the divorce and did not allow her to return to her husband's home. The judge chastised the young wife for listening to her father rather than her husband, saying that, "Once we become someone's wife, we must listen to our husband, not our father."⁹⁶ If she were to follow her father's advice over that of her husband, she was technically committing an act of "disobedience" ("*nusyuz*") as a wife. Many young women I encountered faced similar struggles in reconciling their role as a dutiful daughter (*anak solehah*) and their newly-acquired one as an obedient wife (*isteri taat*). It is evident that whatever Islam prescribed, young wives continued to rely extensively on kin support in times of marital crises. However, this was strongly disapproved of by the Court, which saw kin interference as an unwelcomed (and possibly destructive) intrusion in the marital bond, and an indication of the wife's loyalty as being divided between her husband and her kin.

The survival of such apparently unstable marriages therefore required the timely intervention of the Islamic Bureaucracy, particularly from JAHEAIK counseling services for couples in crisis. A JAHEAIK Counselor I interviewed, who had worked extensively in Kelantan with married couples in crisis, illuminated many reasons behind the premature expiration of such marriages. One of the primary causes for early divorce, according to her, was that marrying too early offered the couple little time to get to know each other well (*berkenalan*) before committing to marriage. This was a crucial stage that

⁹⁶ In Kelantanese Malay, he had said, "*Kito dah jadi isteri oghe, kena dengar kecek suami, buke kecek ayah.*"

usually occurred during the period of pre-marital courtship, which they would have completely bypassed if they had married after only several months of acquaintanceship. While some couples may attempt to work on their attitude adjustment – often with the intervention of their immediate family – these irreconcilable differences (*ketidakpersefahaman*) continued to be a large driving factor behind many early divorces.

Furthermore, without the option of extensive intimacy or experimental pre-conjugal cohabitation, many couples soon discovered that there were facets of their spouse's personality they could not tolerate, which contributed to conjugal strains early in the marriage. In my court observations of early divorce cases, I frequently heard women complaining to the judge that their husband was “over-jealous” (*kuat cemburu*), “controlling” (*suka mengongkong*), and would not let them work or see their friends. The judge once responded, with evident sarcasm, “Before marrying him, you didn’t know he was like this?” (*Sebelum kahwin tak tahu pula dia macam ni?*). The circumvention of this crucial period of pre-marital acquaintance also reinforced the perception – from the Islamic Bureaucracy, which had to pick up the pieces of the crumbling marriage, and the wider public – that these couples were immature and inexperienced (*masih mentah*) in matters of relationships, much less for marriage. This left them largely unprepared for the conjugal challenges (*asam garam rumahtangga*) that awaited, for they had not had the time and opportunity to develop the maturity (*kematangan*) needed to handle the emotional pressures and unexpected personality differences between spouses.

The economic demands of setting up a new conjugal unit were also a significant source of strain on marital bonds still in their infancy. Monogamous couples I met in Kelantan who married in their early 20s were rarely highly educated, with the highest academic qualification achieved usually being SPM (*Sijil Pelajaran Malaysia*, the Malaysian equivalent of A-Levels). This meant that opportunities for stable employment were also severely limited; indeed, the court records on divorce and cross-border marriage registration applications suggest that these young husbands were often “self-employed” (*berkerja sendiri*), which included doing freelance or odd jobs in construction, waitressing, or running a night market stall (*pasar malam*). This level of employment would bring in only between RM800 (£160) to RM1,000 (£200) per month – just enough to support a new wife, but barely sufficient when the newlyweds become parents.

Oftentimes the husband was the sole income earner while the wives stayed home as housewives. This resulted in the husband frequently being unable to afford sufficient *nafkah* (maintenance) for the wife, or to afford the costs of setting up their own household separate from their families. As a result, in the first few months of marriage, it was typical for couples to reside either in the husband's family's home or the wife's, which subsequently created further friction as the newlyweds had little privacy to build the foundations of their marriage away from prying eyes. Under the supervising gaze of the in-laws, husbands were pressured to "provide" and "seek sustenance" ("*mencari rezeki*") to care for "someone else's [another family's] daughter" ("*anak orang*"), while wives, if not working, were expected to assist the mother-in-law in household duties such as cleaning and cooking. Many young couples I spoke to were unprepared for the sudden onset of spousal expectations they encountered upon embarking on the marriage, demonstrating a lack of understanding of marriage as a union involving roles and responsibilities towards one's spouse.

Despite the counseling support and guidance for provided by the State to rescue such strained marriages, many young couples appeared to be quite comfortable resorting to divorce in court upon encountering the first big hurdle in marriage rather than taking other reconciliatory measures first. These couples were frequently reprimanded by the judge for being "hasty" (*terburu-buru*) – both to marry in the first place, and to leave the marriage at the first sign of difficulty. If the judge discerned that the problem was reducible to a simple misunderstanding or ignorance of spousal roles and responsibilities, the couple were sent away for counseling. Only if the situation seemed sufficiently chronic would the judge agree to continue with the divorce proceeding. The same judge above likened the court to an "ICU [Intensive Care Unit] for crumbling marriages", saying that "We only deal with marriages with no further hope of survival [*tiada harapan dah*]." The Court's attempt to remedy such marriages reproduces its image as the paternal, benevolent State that responds to every marital crisis circumstantially. This enables the State to guide the course of marriages and, as I demonstrate in Chapter 5, to also fashion a "modern" form of Malay kinship which decontextualizes conjugal unions from the wider kin network.

In conclusion, a perceived "liberalization" of sexuality among young people as evidenced from the alarming rate of teenage pregnancies and infant abandonment has created a need

for an intervention of the State in the intimate lives of its Muslim subjects. The Islamic Bureaucracy polices expressions of what it considers to be “unlawful” physical intimacy between unmarried couples, whose every romantic dalliance makes them liable to being ambushed by religious bureaucrats, summoned to a hearing in court and subsequently fined a hefty amount for having committed Shariah criminal offenses. The rather forceful measures taken by the State in exercising these unplanned and surprise rituals of surveillance through the deployment of its MPU squad (with rather intimidating self-defense skills) certainly had significant repercussions on the conceptualization of the State, and in the workings of the bureaucracy itself. First, this demonstrated the cooperation between the various branches of the complex Islamic Bureaucracy — in particular the state Department of Religious Affairs and the Shariah Court — and that they worked in a unified manner towards the common goal of not only fighting and preventing *maksiat*, but also in educating the society about what is permissible in Islam and what isn’t, and what is considered “moral” and “immoral” conduct among its subjects. In fact, after the judges have announced the penalties for the Shariah criminal offense at the end of a trial, they always concluded with a line that reproduces the paternal and benevolent nature of the state:

“This penalty is not to punish you, but [serves] as a warning to you so that you will not repeat this offense.”

(*“Hukuman ini bukan untuk menghukum, tetapi untuk memberi pengajaran kepada kamu supaya kamu tidak lagi mengulangi kesalahan ini”*.)

In this way, the law presents itself as a caring paternal presence rather than one seeking mere retribution and punishment.

The societal, moral, and religious pressures to avoid sin propel many young couples in Kelantan to seek marriage – even eloping across the border in contravention of State laws, as shown in the following chapter – as a solution to prevent vice (*maksiat*), rather than as a lifelong institution embarked upon with much prior deliberation and with a carefully-selected spouse intended as a life partner. This, added to the dissolubility of the marital contract, the ease of remarriage for divorced spouses, and the acceptance that some marriages (*jodoh*) expire simply because this “fate” has been “written” by God (*“dah*

tertulis”), absolve all possibilities of human error in the conjugal partnership. This allows marriage to be less a lifetime commitment than a temporary contract, resulting in the rather transient experience of marriage among my young Kelantanese informants.

Chapter 4: “Nikah Ekspres”

On one of my first few visits to the Central Mosque of Songkhla in Southern Thailand, I encountered a Malay-Muslim couple from Kuala Lumpur who were waiting patiently in the main reception area for their turn to be called into one of the private rooms for their *nikah* (marriage solemnization). They appeared to be in their late 30s or early 40s at most, carrying a backpack each, and were not at all dressed in the matching *nikah* regalia many cross-border couples adorn themselves with on their marriage day. In fact, they were both dressed in casual clothing – jeans and checked shirt, with the woman wearing a simple headscarf. Other than the location, it would have been almost impossible to infer that they were there to be married that very day. I approached the woman and engaged in small talk before introducing myself as a research student and requested permission to ask some questions. It was only after we had spoken for a few minutes that her husband – who had been listening passively all this while – joined in our conversation. It soon became clear from his enthusiasm that it was he, and not his (soon-to-be) wife, who was my main interviewee.

This couple’s story was almost like that of every other couple I had met who had come to Songkhla for a cross-border marriage: the man was already married to his high school sweetheart with four children, but had fallen in love with a colleague (the woman present with him that day, never before married). However, he did not want to go through the Malaysian Shariah Courts for permission to practice polygamy legally because he did not want to jeopardize the stability of his first marriage⁹⁷, and because “bureaucracy” (“*birokrasi*”) would delay this marriage by many months, if not a year, or longer. His first wife did not know about his impending marriage and would never be able to accept being in a polygamous arrangement, having grown up with an abusive polygamous father herself. In fact, from their many – according to him, “subliminal” (“*senyap-senyap*”) – discussions about (the possibility of) polygamy, he was sure that she would deeply resent him for it. Indeed, that day he confessed to me that his biggest fear would be if his first

⁹⁷ The first wife would receive a “notice” (*notis*) from the Malaysian Shariah Court informing her that her husband had submitted an application to practice polygamy. Many husbands who prefer to keep their first wives from knowing about their second marriage would not consequently apply through the Court.

wife were to serve him with divorce papers and take away their children, whom he said he loved very deeply.

His story held the same elements of many cross-border couples I encountered: secrecy (the first wife and his family members did not know about the imminent union), love (they had developed “feelings” or “*perasaan*” for each other and would not want “anything forbidden”⁹⁸ to happen), manly benevolence (he was marrying his second wife because she was reaching the end of her 30s, and it would be difficult for her to find a spouse), and bureaucratic evasion (the legal system in Malaysia was “too bureaucratic”, and would only complicate matters with his existing wife and family). Were it not for his next statement about the nature of cross-border marriages, this encounter might not have stood out so vividly:

“If it’s [your] first wife, it’s a long story;
if it’s [your] second wife, it’s a long journey.”

(“*Kalau isteri pertama, panjang ceritanya;
kalau isteri kedua, panjang jalannya.*”)

His statement suggested two common driving factors for Malay cross-border marriages contracted in Thailand: first, if the marriage were monogamous, most likely there would be a “long story” behind this elopement involving, among others, displeased parents who disapproved of their child’s prospective spouse. Alternatively, if the marriage was polygamous (like his), the couple would most likely attempt to evade marrying through the Malaysian Shariah system. I lost count of how many times cross-border couples, marriage agents, and even Malaysian and Thai state officials used “bureaucracy” to justify bypassing the appropriate legal channels in Malaysia for marriage (especially polygamous ones). When asked to elaborate further, my informants were quick to point out the extensive (and expensive) legal process of applying for permission for marriage (both monogamous and polygamous), all of which could take up months, if not years. As one couple I interviewed in Kota Bharu, Kelantan, told me, within the many months or

⁹⁸ I interpret this to mean sexual temptation, which if indulged outside of marriage, is sinful in Islam. The implications of love and sexual desire are explored in Chapters 2 and 3.

years the Court could take to assess his eligibility for polygamy, they could have married across the border in Thailand, validated their marriage upon their return to Malaysia, *and* had two children in the meantime – which they did. The conclusion, he said, was still the same: in both cases, they would end up with a legally valid polygamous marriage, but a cross-border marriage afforded more advantages in terms of time and money.

This chapter offers an ethnographic exploration of Malay-Muslim cross-border marriages contracted in Southern Thailand.⁹⁹ In this study, I refer to this phenomenon as “Malay-Muslim cross-border marriages” to highlight first and foremost the *intraethnic* character of these marriages, which primarily concern Malay-Muslim couples. Although I did encounter several cross-border marriages between Malay men and Thai women in Kota Bharu, and between Malay women and Pakistani migrant men (who were typically rich business-owners in Malaysia with a wife and children in Pakistan already), the overwhelming majority of these cross-border couples from the rest of Malaysia were Malay-Muslim. Second, these Malay cross-border marriages are transjurisdictional in nature, for though contracted by the Thai Islamic Bureaucracy, they can be recognized as a valid union under Malaysian laws.

The Malay-Muslim cross-border marriages I write of are predominantly driven by feelings of “love” (“*cinta*”) or “mutual affection” (“*suka sama suka*”) and the pursuit of what I call “*halal* intimacy”, explored in Chapter 2. For many couples, an elopement to Thailand is the cheaper, discreet, express, hassle-free and Shariah-compliant solution to various legal-bureaucratic and socio-moral obstacles to marriage. Cross-border marriage is key to enabling the exploration and experience of intimacy (of the physical kind and otherwise) within the acceptable boundaries of matrimony as approved by Islam and Malay *adat*.

While these couple may succeed in securing the conjugal bond in Thailand (at least in the eyes of the Shariah), I demonstrate in this chapter that this is often achieved at a very heavy price. This is not an isolated case, for other scholars studying eloped marriages have also remarked that the couple’s decision to elope has widespread ramifications at

⁹⁹ The marriages that I will describe below are also colloquially called “*kahwin lari*” (“elopement”), “*kahwin Siam*” (“Siam[ese] marriage”), or “*nikah ekspres*” (“express marriage”).

various levels of society — from their kinship group, to the communal level, and at the level of the State. Pervvez Mody's (2008) study of love marriages in India in particular offers a useful insight into understanding elopements and the precariousness that lies ahead for the couples involved. These love marriages are first and foremost characterized by choice and thus are perceived by society as a "most unholy union" for disregarding social considerations of class, caste, status and standing, contravening social sanctions against out-marriage, and largely driven by *vasna*, or lust (Mody 2008:8). The couple's marriage is typically contracted in secret without the knowledge of both families, but once discovered could destabilize the existing kinship networks they belong to. Mody's conception of "not-community" (2008:3) encapsulates the couple's experience of "excommunication" — "out of community and into "not-community"" — for their transgression. Though drastic, this process of "rupture and reconfiguration" is nonetheless a "brief interlude" lasting until the couples are "re-socialized" back into society (Mody 2008:3). Most importantly, love marriages are also heavily propelled by feelings of love and lust and the need to unite in marriage with the object of one's desire, yet this transgressive romance, to the couple, is permissible if it is to be proceeded by "legitimate marriage" — an idea influenced in large part by Indian conceptions of female sexuality as reserved for, and to be given to, only one man (Mody 2008:12).

While the Malay eloped marriages I look at share to varying extents these elements of specific selection, seclusion, secrecy, and sexuality found in Indian love marriages, Malay-Muslim cross-border marriages differ in that they are also heavily structured by moral considerations of "sin" ("*dosa*"), and what forms of intimacy are permissible in Islam and where these boundaries might lie. Indeed, this rhetoric of pursuing intimacy that is "*halal*" and permissible in Islam carries significant weight, to the point where even the Malaysian State has no choice but to concede and recognize these marriages, provided they can be proven to have fulfilled all Shariah requirements in Malaysian Shariah Courts. Thus, elopements to Thailand are largely to render permissible what would otherwise be sinful to pursue: that is, intimacy (both emotional and physical) with the object of one's desire. Once they have earned Islam's recognition of their union through marriage, they must then appeal to the Malaysian State for permission to be legally recognized as man and wife, to secure all the legal rights that come with a lawful marriage.

This chapter will first offer a comprehensive description of Southern Thailand, and explain why this region appeals to many Malaysians as the preferred destination for an elopement. Readers will then follow my informants on a journey across the border as they eloped to Songkhla, Southern Thailand, for a “*nikah ekspres*” (“express marriage”). Finally, I describe the story of Ros, a second wife who eloped with her husband to Narathiwat for a polygamous marriage that did not deliver the conjugal stability she hoped to secure – a fate shared by many other cross-border couples who eloped to Thailand.

I. “Las Vegas”

The region of Southern Thailand (also known as “*Selatan Thailand*” in Malay, or simply as the kingdom’s ancient name “Siam”) embodies similar fantastical ideals as those projected by Las Vegas to the world. For Malaysians — both Muslims and non-Muslims — Southern Thailand (covering five provinces comprising Satun, Yala, Narathiwat, Pattani, and Songkhla) is Las Vegas closer to home. This is where one would go for uninhibited and unsanctioned consumption of alcohol, and for opportunities to indulge in the unlawful carnal pleasures of the flesh. This is the place to procure all kinds of fool-proof enchantments and sorcery from reputable and powerful *bomoh Siam* (Siamese sorcerers) to injure an enemy, or to entice a potential lover. This region is also popular for its breath-taking beaches and many shopping destinations that make it every honeymooner’s dream. All things counterfeit – cheap and authentic-looking – from Louis Vuitton and Gucci handbags to marriage certificates (*sijil nikah*) sold by marriage syndicate agents (*ejen nikah sindiket*) are easily obtainable here.

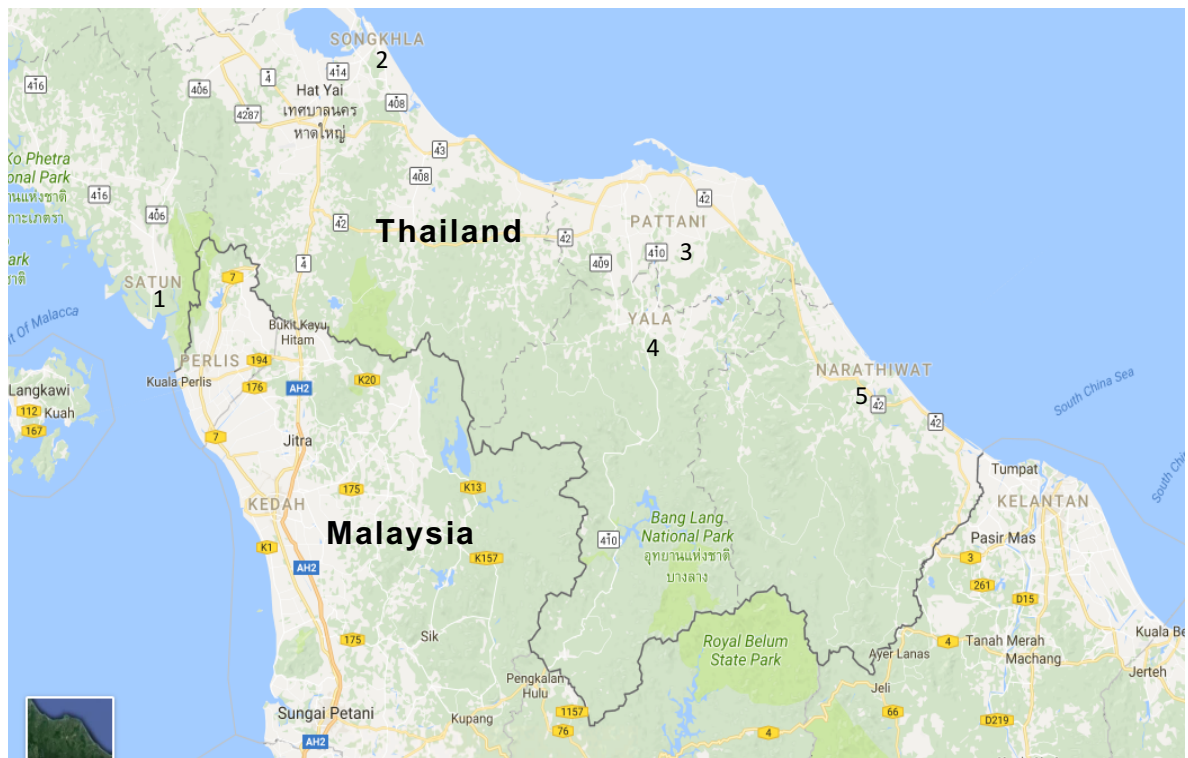


Figure 7: The Five Provinces of Southern Thailand Popular for Cross-Border Marriage



Figure 8: Hat Yai's Floating Market

This market – selling many *halal* gastronomic delights – is a popular tourist destination for Malaysian cross-border couples.

The absence of a “busy-body” *Maksiat* Prevention Unit (MPU) operated by the Islamic Bureaucracy in Malaysia has also amplified Thailand’s stellar reputation as a place where “anything is possible” — or, as my Kelantanese interlocutors would say, “*boleh belaka*” (“anything goes”). It is no secret that many Kelantanese men make regular trips across state boundaries to border towns such as Sungai Golok and Rantau Panjang to indulge themselves in various kinds of worldly pleasures otherwise denied to them in Kelantan under the MPU’s watchful eye. Many taxi drivers I knew in Kota Bharu professed to me that they frequently received offers from clients from all over Malaysia to drive them to the “pleasure centers” (“*pusat maksiat*”, quite possibly brothels and gambling houses) at the Thai border for a decent sum of money — offers they claimed they unfortunately had to decline. When asked why, these drivers believed that the hefty financial rewards could never outweigh the burden of sin (*dosa*) they would suffer for facilitating a fellow Muslim’s pursuit of *maksiat* (sinful activities such as consuming alcohol, drugs, or unlawful sexual relations).

The Malaysian-Thai border has also been the subject of much anthropological focus on immigration, citizenship, and cross-border relations, including inter-marriages between those from both sides of the border. Horstmann (2006:161), in his study of Malaysian-Thai marriages, suggests that Malaysian men in the Malaysian border states of Kedah and Perlis often project a sort of “male fantasy” in which the daughters of Thai-speaking Muslims are envisioned — and desired — as “submissive housewives”.¹⁰⁰ Despite the employment opportunities offered by marrying Malaysian men, such exogamous marriages are a dangerous gamble for Thai women, as Malay men have the reputation of being unfaithful, and may abandon their Thai wives as soon as they have found another Malay wife (Horstmann 2006:162). This wariness is reciprocated by Malay men who have their own reservations about marrying Thai women. For example, I was told by my regular taxi driver in Kota Bharu — a young unmarried Malay man in his late 20s — that a Thai woman who frequently conducted business in Malaysia had asked him if he wanted to marry her daughter. Even though “she [the daughter] was pretty” (“*muko meme molek*”), he fervently refused (“*tokseh*”). “*Kenapa?*” (“Why?”) I’d asked, and he replied:

¹⁰⁰ The Islamic Office in Kuah on the bordering island of Langkawi has a record of around 2,400 officially-registered “border-crossing marriages” between Thai women from Muslim communities in Southern Thailand and Malaysian men (Horstmann 2006:161).

“It’s too risky — if your Thai wife returns to her natal home all battered and bruised, her father and brothers may come and hunt you down with a rifle.”¹⁰¹

Thai women thus represent both pleasure and danger: they may be pretty, but whoever takes them as their wife will be answerable to their male in-laws in Thailand at the first sign of any mistreatment in the marriage. This makes Kelantanese men more conscious of the consequences of domestic abuse against their (future) wives, which was a common cause of grievances and marital breakdown I encountered frequently in the Shariah Court.

Many Kelantanese women I spoke to were highly suspicious of Thai women too. These suspicions were especially directed towards Thai women working in restaurants and *warung* (food stalls) to earn money and, it was suspected, also to “catch” a — or most likely, someone else’s — husband (*laki oghe*). During my time in Kelantan, I met several divorced women whose husbands had fallen in love with a Thai woman working in a *warung* (food stall) or *kedai kopi* (coffee shop) they frequented, and who subsequently abandoned their first wives. To these women, the high rate of Thai waitresses marrying Malaysian men, as remarked by Tsuneda (2006), is not a coincidence. Waitressing offers plenty of opportunities for Thai women to slip love charms into the food they serve to male clients they wish to seduce. As such, Malay women frequently expressed concerns that their husband might fall in love with a Thai waitress – a concern compounded by Thai women’s reputation of being skilled in the art of seducing and pampering men (“*pandai melayan lelaki*”).

There is, however, another more enlightened side to Southern Thailand that makes it highly sought-after by Malaysians as a destination for cross-border marriages today – the predominance of Islam in this region. Southern Thailand is still principally Muslim today, and is in fact home to 3.5 to 4 million Muslims who make up nearly 80% of the region’s population (Kersten 2004:2). The Muslims in this region are ethnically Malay and for the most part have retained much of their cultural heritage and language through regular cross-border contact with their “ethnic kin” in Kelantan, inter-marriage between Malay

¹⁰¹ In thick Kelantanese dialect, he had told me, “*Susoh — kalo hak perempue lari balik rumah berbekas, pok, abe dio mari kejar kito denge senape [senapang].*”

families on either side of the border, and the seasonal migration of day laborers (Haemindra 1976:198; Chalk 2001:243).

The overwhelming presence of Malay-Muslims in this region has benefited Malaysian Malay-Muslim couples greatly through the possibility of contracting a lawful and Shariah-compliant *nikah*. These marriages are contracted through the Central Islamic Council of Thailand (CICOT), which has a branch in several provinces throughout Thailand. Southern Thailand has a Provincial Council of Islamic Affairs (“PCIA”, or known simply as “Islamic Committee”) office in nearly every province.¹⁰² The formation of an organized Islamic bureaucracy has enabled and, in fact, strengthened religious cooperation between Thailand and Malaysia. Today the PCIA in Songkhla and the four other southernmost regions of Thailand – Narathiwat, Pattani, Yala, and Satun – play a most crucial role in the phenomenon of Malaysian Malay-Muslim cross-border marriages, because only marriages contracted at the PCIA headquarters are recognized by JAKIM as following the correct Shariah procedures.

According to the PCIA staff members I encountered in Songkhla, much cross-border cooperation has occurred between the PCIA and JAKIM as well as the Regional Department of Religious Affairs throughout Malaysia in recent years. These included official visits by court officials and staff members from the Malaysian Department of Religious Affairs to PCIA’s offices in Thailand to oversee their *nikah* procedures, which were reciprocated by Thai officials. This cross-border cooperation has been an integral part of the trust-building process between the Thai and Malaysian Islamic Bureaucracies. Transparency of their bureaucratic processes was also repeatedly cited by Malaysian court officials as their main source of confidence in the Thai Islamic Bureaucracy’s *nikah* procedures, insisting that “We’ve witnessed ourselves what their procedures are like” (“*Pihak kami sendiri pergi tengok prosedur mereka macamana*”). In the following section, I explore how these procedures are experienced by the cross-border couples themselves.

¹⁰² The Thai Islamic Bureaucracy has emerged following a particular series of socio-historical and religio-political processes that at the outset may compromise the religio-ethnic autonomy of the Malay-Muslims in Thailand. For a full historical account of the Malay-Muslim community in Thailand after the Kingdom of Pattani was absorbed into Thai rule in 1902, see Scupin (1980), Che Man (1990), Yusuf (1998), Chalk (2001), Mahakanjana (2006), and Brown (2014).

II. *Nikah Ekspres*

Malay-Muslim cross-border marriages can be either monogamous or polygamous. Cross-border marriages in Thailand have become the preferred method for contracting a quick and easy marriage, particularly for polygamous couples. This is because the existing Shariah provisions on polygamy render it a right that can only be “earned” by men who fulfill certain criteria set by the State. Polygamy in Malaysia is regulated by the 1984 Islamic Family Law¹⁰³ (or “IFL”) Act, which requires men to apply for the Shariah Court’s permission to practice polygamy and imposes certain requirements that they must fulfil to gain court approval (Abdul Hak 2008:145). These conditions are:

- (1) The proposed marriage is ‘just and necessary’ under certain circumstances such as sterility, physical infirmity, physical unfitness for conjugal relations, willful avoidance of an order for restitution of conjugal rights, or insanity on the part of an existing wife or wives;
- (2) The applicant is financially able to support all his wives and dependents including the woman he intends to marry and her dependents;
- (3) The applicant is able to accord just treatment to all his wives;
- (4) The proposed marriage would not cause *darar syar’i* (harm with respect to religion, life, body, mind, or property) to the existing wife or wives;
- (5) The proposed marriage would not directly or indirectly lower the existing wife or wives’ standard of living (Abdul Hak 2008:152).¹⁰⁴

According to Abdul Hak (2008:143), the conditions in the IFL arise from the need to standardize laws on polygamy throughout Malaysia, and also to ensure that polygamists abide by the condition of justice explicitly stated in the Qur’an. In this way, the State sought to restrict polygamy and prevent its abuse by Muslim men by making the right to polygamy “no longer the unilateral prerogative of the man” but a “judicial decision” of the judge (Abdullah and Khairuddin 2009:35). However, many aspiring polygamists

¹⁰³ Needless to say, there is no recognition of polyandry in Malaysia as this practice is forbidden in Islam; as such it is always men who are so bound to seek permission for polygamy.

¹⁰⁴ In 2006, this final condition was removed when amendments were made to the IFL. This meant that the polygamous husband would no longer be obliged to provide the same level of economic support as before after his remarriage (Anwar 2009:3; M. Mohamad 2011:56).

preferred to bypass such legal channels as they were aware that their possibly unfavorable financial circumstances might make them unsuitable candidates for polygamy according to a Shariah judge. Even more worrying was that in lodging an application to the Shariah Court in Malaysia, their first wife would also receive a “notice” requesting her presence in court to support (or oppose) her husband’s application, which would necessarily expose their intentions to marry again. Many Malay men feared the wrath of their first wives more than they did legal retribution from the State, making cross-border marriages a favorable solution to such bureaucratic inconveniences.

The past decade has seen a gradual tightening of the various conditions and prerequisites to the contraction, validation, and dissolution of marriages in Malaysia, particularly concerning cross-border marriages (monogamous or polygamous). Since 2010, JAKIM officially recognized marriages contracted in the Provincial Council of Islamic Affairs offices of five provinces in Southern Thailand — Satun, Pattani, Yala, Narathiwat, and Songkhla. The statement, posted on the notice board in the Malaysian Consulate’s waiting area, furthermore specifically reserved the State’s right to acknowledge only marriages solemnized by a Thai *imam* included in the list of accredited bureaucrats authorized to contract a *nikah*.¹⁰⁵ These addenda of conditions to cross-border marriages were to ensure that these marriages fulfilled the conditions of the Shariah (“*sah mengikut hukum Syarak*”), before the Malaysian State would be willing to recognize them as valid marriages (albeit in need of further “legalization”).

Statistical records from Kota Bharu’s Shariah Court presented in the following section suggest that during the time of my fieldwork in Kelantan (2014-2015), monogamous cross-border marriages outnumbered polygamous ones. An official of the Islamic Committee of Songkhla remarked that, in one month, they received “many hundreds” (“*banyak ratus*”) of Malaysian couples seeking to contract their *nikah* in Songkhla. The Malaysian Consulate General in Songkhla declared that they received 3,485 applications for *nikah* validation in 2013 and 3,831 applications in 2014 (Md. Hashim, Hak & Md Said 2015:225).¹⁰⁶ This number included *nikah* contracted throughout Southern Thailand.

¹⁰⁵ This list was widely disseminated to the Shariah Courts and Department of Religious Affairs offices throughout Malaysia.

¹⁰⁶ Unfortunately, these numbers are very general and do not distinguish monogamous from polygamous marriages, where in Malaysia these couples were from, or in which Thai region the *nikah* was contracted.

This increase in the number of Malaysian couples seeking cross-border marriages was also remarked upon by several *jurunikah* (marriage officiants) and marriage agents I interviewed in Songkhla, who attributed this rise to increased bureaucracy in Malaysia. Stringent requirements to submit additional documents, prove financial and personal eligibility, and procure paternal consent (for a bride's first marriage) supposedly "forced" ("*paksa*") these couples to seek legal loopholes and shortcuts to marriage across the border.

According to Pak Wan, a cross-border marriage agent I met in Alor Setar, Kedah with nearly eight years of experience in the business, couples who "looked very young" ("*nampak muda*") and were in their 20s or 30s usually contracted their *nikah* in Thailand to elope from their families (literally, "*kahwin lari*", or "runaway marriages"). Men in their 40s or over on the other hand usually sought a (secret) polygamous marriage, unbeknownst to their existing wives. From Pak Wan's observations, cross-border marriages, particularly in Kedah, were also "seasonal" ("*bermusim*"). Rice harvest seasons in February and August were often among the most popular time of the year for cross-border marriages, perhaps due to the inflow of cash for rice paddy field owners following the harvest season.¹⁰⁷

The Islamic Committee of Songkhla often received an extraordinarily high number of cross-border couples from Malaysia during school and public holidays in Malaysia. Certain auspicious and memorable dates such as 11th of November 2011 (11/11/11), and 12th of December 2012 (12/12/12, when they married 30 Malaysian couples on this day alone) were also popular days for a cross-border marriage. Although men and women of all educational, occupational, and socio-economic background — as a Consulate staff member told me, "from celebrities to lorry drivers, businessmen to farmers" — have been known to elope to Thailand for a cross-border marriage, there is certainly a high prevalence of "moneyed men" ("*lelaki berduit*") with reputable social titles such as "*Datuk*"¹⁰⁸ contracting second (or subsequent) marriages in Thailand with much younger

¹⁰⁷ This information would only apply to Kedah, however, where Malaysia's rice fields are largely concentrated. Malay men elsewhere earn their income through urban salaried jobs ("*kerja makan gaji*").

¹⁰⁸ *Datuk*, *Datuk Seri*, and *Tan Sri* are titles given by sultans to their loyal subjects who have contributed much to society and the country's economy. Most of these title-holders are rich businessmen and elite members of society. These titles cannot be inherited, but can however —

women. This supports the prevalent theory that Malay men of more affluent socio-economic background may be inclined towards polygamy (Zeitzen 2008:58)

Many couples cross over into Thailand with the (usually paid) help of an agent, though two polygamous couples I met in the Central Mosque of Songkhla were brave enough to undertake this journey on their own. Some couples were accompanied by one or two of their closest friends with whom they have entrusted the secret of their impending union, but this was rarely the case. Even rarer was if the couple came with their families, particularly if this union were polygamous, as the husband above all would have much at risk if his existing family was to discover his subsequent marriage. Women who were first-time brides also typically eloped without the knowledge of their parents, especially their *wali* (male guardian, usually their father), who is entrusted in Islam to give her away in marriage (Kling 1995:53).¹⁰⁹ Reasons for *wali* evasion could be many (and will be explored further in the next section), and normally involved parental disapproval of the union because the “husband candidate” (“*calon suami*”) did not have a stable job, was of “dubious” character (for example, involved in drugs), or was already married and did not intend to divorce his first wife. For this reason, the impending marriage in Thailand was revealed only to a select few who were complicit in the elopement (such as close friends or agents), or to none at all.

Besides keeping the union a secret from existing wives and outraged parents, another common rationale for eloping to Thailand was to quickly “*halal*-ize [the] relationship” (“*nak halalalkan hubungan*”). The cross-border marriages I encountered were heavily driven by affections and emotions of “*cinta*” (passionate, romantic love). This necessarily included intense physical and sexual attraction (*nafsu*) between the couple which, if not contained by the sacred bonds of matrimony, may lead to *zina* (adultery) — a serious religious, moral, and social transgression for Malay-Muslims. Indeed, the dominant discourse I heard in Kelantan about why couples eloped to Thailand concerned the threat of being overcome by *nafsu* (lust) and the fear of transgressing Islam and Malay *adat*’s prohibition on having pre-marital sex or committing adultery. The need to bypass a fussy bureaucracy, coupled with the pressure of succumbing to temptations of the carnal kind,

rumor has it — be bought with a handsome sum of money.

¹⁰⁹ The legal implications of *wali* evasion are explored further in the next chapter.

all created a sense of urgency to quickly solemnize their relationship to render all forms of intimacy “*halal*”. And Thailand – with its fuss-free bureaucracy and promise of discretion – is the place for it.

The process of crossing over into Thailand for a *nikah* is one fraught with uncertainty and fear – of discovery by their parents and friends, and for their lives, particularly if they choose to marry in one of the three politically contentious regions of Southern Thailand (Narathiwat, Yala, and Pattani). Although these regions are highly unsafe for travel – I have heard stories from several of my Thai and Kelantanese interlocutors as well as in the news of bombings in mosques, car explosions, targeted shootings, and midnight curfews (VOA News 2009; Farrell 2017) – many cross-border couples were willing to take the risk of spending little more than five to six hours in Southern Thailand in order to accomplish their mission. This would sufficiently cover the journey across the border and the 100 kilometer-drive to the nearest PCIA in Narathiwat, and to return to Malaysia on the same day to avoid arousing any suspicions in unsuspecting first wives, friends, and family. As I demonstrate in the following section, rarely did my Kelantanese cross-border interlocutors spend even their first night together as man and wife in Thailand, preferring instead to return immediately to their families after the *nikah* was solemnized and all documents secured. This almost business-like approach to their *nikah* is a means of managing disclosure: an extended honeymoon in Thailand would mean taking even more time away from their existing responsibilities and risking suspicion. Thus, it was better to delay the consummation of the marriage to a more appropriate – or rather, opportune – moment.

One of the most popular *nikah* venues where I also conducted research is the Islamic Committee of Songkhla, located about 72 kilometers from the Bukit Kayu Hitam immigration checkpoint on the Malaysian-Thai border. The Islamic Committee is housed in the same building as the Central Mosque of Songkhla, situated on the main road connecting the two cities of Hat Yai and Songkhla.¹¹⁰ Thailand’s “*boleh belaka*” (“anything is possible”) style is reflected in the simplicity of its bureaucracy. At the

¹¹⁰ The Mosque is situated amidst heavily forested mountains surrounded by very minimal residential areas directly adjacent to it, and is on the main road connecting the two major cities in the province of Songkhla — Hat Yai (about 15 kilometers from the Mosque) and the provincial capital, also called Songkhla (about 30 kilometers away).

Islamic Committee, no prior appointments were necessary to contract a *nikah*; they operated on a walk-in, first-come-first-served basis. The couple only needed to fill in several forms, and if a *jurunikah* (marriage officiant) was in, they awaited their turn to be ushered into the *nikah* room. In this room, only the couple, the *jurunikah*, two witnesses (typically Thai male staff), and the agent (who sometimes doubled as the photographer or videographer) were present. Thai *jurunikahs* were known to be highly lenient and less inquisitive compared to their Malay counterparts, rarely asking questions to the couples beyond what was immediately necessary for the *nikah*.

During my research, I was granted permission by a *jurunikah* and several couples to observe their *nikah* proceedings. The *nikah* typically began by the *jurunikah* questioning the location of the bride's *wali* at the time of the *nikah*. For the *nikah* to proceed in the absence of the bride's *wali*, a procedure called *wali hakim* may be used instead. In *wali hakim*, the bride is required to read a declaration from a piece of paper nominating the *jurunikah* as her *wali* in place of her absent father, uncle, grandfather, or brother. However, *wali hakim* can only be valid if the *nikah* took place more than two *marhalah* (a distance JAKIM officially interprets to be equivalent to 90 kilometers) from where her *wali* was located at the time of the *nikah* (JAKIM 2016). Thus, an elopement to Thailand allows both a concealed marriage, and sufficient geographical distance to fulfill the requirement for *wali hakim*.

If the bride had been married before, the *jurunikah* would request to see her divorce certificate (*surat cerai*) or her husband's death certificate (*surat mati*). If neither were available, he would insist on an official letter from their local Department of Religious Affairs in Malaysia testifying to her single status (*pengesahan status bujang*). Without this the *jurunikah* would refuse to proceed with the *nikah* for fear of accidentally allowing the woman to be polyandrous if she had not properly terminated her previous marriage.



Figure 9: The Central Mosque of Songkhla

This is where my Malaysian informants came to contract their cross-border marriage in Southern Thailand.



Figure 10: The Islamic Committee of Songkhla

This office, situated inside the Mosque, is where documents are submitted. It is also the waiting area where couples spend their last few moments before their *nikah* in suspense, as they await their turn to be called into the *nikah* room.

Although one *jurunikah* I interviewed claimed that they do ask men during the *nikah* if they were already (and still currently) married, my observations suggest that little attention was actually paid to the man's marital status during the *nikah* at all. One *jurunikah* I asked about this responded that even if the man already had a wife in Malaysia (who often did not know of his current whereabouts in Thailand), this still did not disqualify him from contracting another *nikah* in Thailand, so long as he did not exceed the quota of four wives accorded in Islam.

The whole ceremony often proceeded rather swiftly, and was over in less than ten minutes, even with the required verbal declaration of *ijab* and *qabul* (offering and acceptance) and the giving of *mahr* (known as *mas kahwin* in Malay).¹¹¹ One way in which cross-border marriages in Thailand differ markedly from the socially-acceptable Malay *nikah* is the absence of a visible and ritualized exchange of marital gifts and bridewealth between the bride and groom's families. A typical Malay *nikah* would entail the payment of *mas kahwin* (*mahr*) and bride price (*hantaran*) from the groom's family to the bride. This is in addition to either seven, nine, or eleven "trays" ("*dulang*") of marital gifts each containing wearable items for the bride.¹¹² In return, the bride's family would "reciprocate" ("*membalas*") with the same number of, or two more, *dulang* than they received from the groom, with similar items. These *dulang* are elaborately decorated in accordance with the color theme of the wedding in preparation for the heavy photographic attention they will surely receive from the public. They are presented next to the bride and groom during the actual *nikah* ceremony, conspicuously displayed for all to see. The number of trays as well as the price, quality, and prestige of the brands of the items they hold are frequently of significant interest to the receiving party as well as guests, as they allude to the taste, status, and wealth of the giving family. A marriage secretly contracted in Thailand is stripped of all these accoutrements however, and is reduced to the minimal *mas kahwin* (*mahr*), usually a small cash payment exchanged in the *jurunikah*'s presence.

¹¹¹ This was usually a minimal amount such as RM80 (£15) from the groom to the bride.

¹¹² Common gifts given by the groom to the bride included a pair of shoes, a branded handbag, a prayer mat and a prayer cloth (*sejadah dan telekung*), a watch, a make-up set. Edible sweets such as fancy chocolates, fruits, and a cake were also typically included.

The groom's inability to afford the brideprice demanded by the bride's family constitutes a strong motivation for young (monogamous) couples to elope to Thailand. Unlike the *mas kahwin*, which Islam recommends be set within the groom's means, my Malay informants frequently complained that the brideprice or *hantaran* is a "purely cultural invention" ("*budaya sahaja*"), and is unaffordable because it is determined by the bride's family as per their expectations of the bride's level of education, career, and income. The brideprice negotiation between both families is often a delicate and sensitive affair. In fact, one could argue, no "negotiation" actually happens; the bride's family sets a price, which the groom's side would have to simply accept. To negotiate for a lower amount would bring shame (*malu*) to the family, as it would signify to the bride's family that the groom's side could not "afford" ("*mampu*") the amount.



Figure 11: A Public Affair

Malay weddings tend to be a public affair. This photo shows the groom's family accompanying the bride and the groom to the bride's house in Sabak Bernam, Selangor.



Figure 12: Man & Wife

After the *nikah*, the groom kisses the bride's forehead as a sign of protective love. In the background, a white *pelamin* is seen, accompanied by *dulangs* of *hantaran* on the right.



Figure 13: Match Made in Songkhla

Thai cross-border marriages, by contrast, were much less festive. After contracting their *nikah* at the Islamic Committee of Songkhla, the couple would "*bersanding*" at this makeshift *pelamin* in the lobby of the Islamic Committee.

While some families make gradual payments of the bride price money leading up to the wedding so that the bride's family can begin to cover the cost of the reception (*majlis*) with this amount, some would prefer to pay by cheque or bank draft, ceremoniously placed (sometimes in a photo frame) on one of the *dulang hantaran*, openly showcased for prying eyes to see. At the time of fieldwork, the standard *hantaran* amount for a bride with at least a Bachelor's degree was around RM10,000 (£2,000) — too expensive to be afforded by the groom, who, as a fresh graduate himself, would be earning only around RM2,000 (£400) monthly and would therefore need either to wait for years to save up for the *hantaran*, or appeal for the help of generous parents.¹¹³ Those pressured by time would take up personal loans from banks to cover wedding costs amounting at least RM10,000 (£2,000) or more, depending on the number of guests.

A cross-border marriage in Thailand would cost only a fraction of this amount, yet still guarantee a Shariah-compliant union. The PCIA charges only RM450 (£80) for the *nikah* procedure, which covers all documentation and administrative costs as well as service fees for the *jurunikah*. The documents issued by the PCIA include the *Nikah* Certificate (*sijil nikah*) and the *Nikah* Certification Letter (*surat keterangan nikah*), which attests to the fact that the couple did indeed marry on the date, and at the establishment stated therewith in the *Nikah* Certificate. After receiving these documents, couples would normally head straight to the Consulate in Songkhla – located around 35 kilometers from the Mosque – for further validation. In 2014, this cost roughly between THB200 (around £5) to THB300 (£7) and required at least one working day. This would usually involve an overnight stay in the more vibrant nearby city of Hat Yai (about 45 kilometers from Songkhla), where the newlyweds would take the opportunity to shop or pass their honeymoon as husband and wife. After collecting their documents from the Consulate, the couple would then make their return journey home. Even with the costs of contracting an eloped marriage in Thailand, this “*nikah ekspres*” (“express marriage”) was still substantially cheaper than committing to a family-sanctioned, yet unaffordable marriage in Malaysia.

¹¹³ While it is indeed common for parents to contribute a certain amount for the *hantaran* — or even pay for it entirely — as well as cover the costs of the wedding, not all could afford to do so.

A most crucial node in this extensive network of cross-border marriages are the agents who occupy multiple roles simultaneously: marriage agent, tourist guide, translator, pseudo-legal expert, driver, and most importantly, confidant. The tightening of Malaysian Shariah laws on marriage has meant that desperate couples have little choice but to cross over into Thailand to “*halal-ize*” their relationship. This is where these cross-border marriage agents come in: armed with a set of various specialized legal, linguistic, logistical, and cultural skills gathered from years of experience in the field, they are able to move seamlessly across and between both sides of the Malaysian-Thai border.

The agents I encountered were predominantly ethnically Malay, Muslim, and male, and were of either Thai or Malaysian nationality. These men frequently operated under the pretext of “helping out a friend” (“*tolong kawan*”) for a small fee, but many more conducted their business in a rather formalized manner as “travel agents”. These marriage-travel agents arranged “marriage tourism” packages for Malay couples seeking a hassle-free cross-border marriage and honeymoon experience. For a fee of between RM2,000 (£350) to RM5,000 (£1,000), these agents provided a wide range of services, which included transportation from the border to the Mosque where the *nikah* took place, and to the Consulate for further certification.¹¹⁴ Agents of this kind usually catered to rich *Datuk* and businessmen from Kuala Lumpur and its surrounding metropolitan areas intending to marry polygamously (and most importantly, with great discretion) — in general, men who would most likely possess the capital to be able to afford their highly-priced services. Indeed, agents were most sought-after for their legal expertise, as they were constantly aware of changes or new restrictions imposed by both the Malaysian and Thai Islamic Bureaucracies on the process of contracting an Islamic-compliant and legally-valid (under Malaysian Shariah laws) *nikah* in Thailand for Malaysian couples. For this reason, they have become indispensable to Malay couples seeking a *nikah ekspres* across the border.

¹¹⁴ Agents also facilitated dealings with the PCIA throughout the *nikah* process, and provided photography and videography services during the *nikah*. After the *nikah*, the couple could be assured that they would be taken to the city’s best shopping spots for original-looking and cheap counterfeit designer handbags and other tourist destinations such as the Hat Yai Floating Market. Accommodation in a decent three-or four-star hotel for a night or two in Hat Yai also were frequently included in the package, as was transportation back to the Malaysian-Thai border from where they proceeded “home” after an enjoyable elopement.

III. Homecoming & Resettlement

Love, writes Alfred Gell (1992), is not simply a matter of romance and passion; it concerns above all the question of “knowledge and concealment”. According to Gell, intimacy is generated through the exchange of information between two individuals – a dual process involving “mutual exposure (between lovers)” coupled with “concealment (from everybody else)”. A great degree of secrecy and discretion is therefore essential for love to flourish, for the threat of disclosure may bring jeopardy to the entire union. I suggest it is useful also to consider Malay cross-border marriages within a similar framework – that is, as a careful (and often failed) negotiation between discretion and disclosure.

In this section, I explore how these couples (and those around them) respond to the uncertainties brought about by the public revelation of the marriage. Whether intentional or accidental, this act of disclosure is the ultimate violation of the underground union, for it admits unwelcome visitors into this conjugal paradise. But it is not the invasive presence of “outsiders” that is the primary cause of concern, but rather their knowledge of the union, which leaves the marriage vulnerable to external threats to its existence. The survival of such marriages is thus heavily dependent on minimal disclosure. In light of this, I seek to illustrate below how such marriages are sustained after they are forcefully placed under the public spotlight.

One of the defining features of cross-border marriages is that they are nearly always shrouded in a veil of secrecy from the close friends and family of the bride and the groom, and from the wider society (especially colleagues, neighbors, and fellow villagers or *orang kampung*). The reason for this secrecy is that polygamous marriages are indeed perceived as carrying a certain level of shame (*malu*) in society, for all parties involved: for the husband, it denotes to the public that he has been involved in extra-marital liaisons with another woman (“*ada hubungan dengan perempuan lain*”) while still married to his existing wife, and wants to marry to satisfy his sexual desires (“*untuk kepuasan nafsu*”) without thinking of the repercussions of this subsequent marriage to his existing wife and children. For the first wife, if word reaches the public that her husband has secretly married another woman behind her back, she would be condemned for not being a good

enough wife, and of being incapable of taking care of her husband or his “needs” (*“tak reti jaga suami”*). This, it is thought, must be why her husband has sought another younger, more beautiful, or more attentive wife. The second wife is also not entirely blameless, for she almost always acquires the reputation of being a “husband-stealer” (*“perampas suami orang”*) or a gold-digger (*“pisau cukur”*), particularly if she is a widow or a divorcée (*janda*) seeking to marry a rich man. The general perception towards second wives I gathered from many Kelantanese women I spoke to was that they were usually intent on securing the social, economic, and emotional support of a man, even if he already “belonged” to another woman (*“hak milik lain”*). The more forgiving women, however, would argue that not all second wives were “homewreckers” (*“perosak rumahtangga orang”*), but that considering their divorced or widowed status, it would be almost impossible to marry an unmarried man.

The secret status of these cross-border marriages creates various predicaments for the couple about how to begin their married lives as husband and wife upon their return to Malaysia. The unfortunate reality for many of these cross-border couples is that they *don’t* actually get to live their lives as a normal married couple – at least not immediately after their *nikah*. Even after the secret is out, their marriage would only enter into another phase of turbulence rather than settle into a predictable pattern of domesticity, particularly after the first wife has discovered that her husband has married another woman and may resort to various ploys to sabotage his second marriage.

I met Ros, a Kelantanese woman in her 30s, in Kota Bharu’s Shariah Court. She had married her husband secretly in Narathiwat, Thailand, in 2013. She explained to me how she never had the opportunity to experience “married life” (*“kehidupan berumahtangga”*) with her husband. Ros was a pre-school teacher, while her husband worked as a government servant in the Department of Social Welfare (*Jabatan Kebajikan Masyarakat*). They had both met through what she vaguely described as “work[-related events]” (*“kerja”*). After a few months of getting intimately acquainted with one another, both decided that it was time for marriage, rather than risk continuing what might be a sinful, unlawful relationship. This necessitated their clandestine elopement to Narathiwat. This was a second marriage for both; Ros was divorced with a child when she married her husband, who was at that time already married with three children.

The beginning of their marriage was rather unsteady without the full-time presence of her husband, who could only come to see her two or three times a week as frequent absences would raise the suspicions of his first wife. As was usual for polygamous husbands juggling two marriages, he would use the excuse of being “outstation” to his first wife if he wanted to spend the night at Ros’s house. Even so, he would have to sneak in and out like a criminal to avoid the gaze of the neighbors’ prying eyes. The secret status of their marriage also made it difficult for Ros and her husband to enjoy time together such as a meal out in Kota Bharu. The need to protect the secrecy of their marriage meant that their conjugal bond could only blossom behind closed doors. Ros found this frustrating as she could not publicly enjoy the companionship of her husband. This was exacerbated by her husband’s minimal and irregular financial contributions towards the payment of her rent, monthly car loan payments, as well as other bills and groceries, to which she said he would chip in “only if he had money” (“*bila dia ada duit je*”). In other words, besides maintaining the public appearance of living an unmarried life, Ros was also supporting herself economically for the most part, despite her husband’s obligation to financially support all wives as demanded by Islam.

After some months into the marriage, Ros became pregnant. This inevitably led to Ros and her husband informing both their parents of their union and the impending arrival of their first (and only) child. While Ros’s own family as well as her father-in-law — who was a *Datuk* and therefore an individual of some social standing — seemed accepting of it, her mother-in-law and, as expected, her husband’s first wife, were simply outraged upon learning of this marriage. His first wife began to make more demands on her husband’s time and attention, and also became pregnant herself a month after discovering that Ros was carrying his child. To further sabotage their marriage, she forbade him from seeing Ros at all and subjected his movements to strict surveillance, making it difficult for him to slip away. Her husband’s commitment to their marriage was further put to the test when Ros was in labor about to give birth to their daughter, but he could not attend to her at the hospital because he was “occupied” with his first family. At this point, Ros said bitterly to me, she truly felt “as if [she] had no husband” (“*macam tiada suami*”).

Their marriage did not last long thereafter. Although frequent and heavily hostile interferences from his mother and first wife placed a significant amount of pressure on their marriage, Ros certainly did not expect what later transpired: one evening, after only

fourteen months of marriage, she received a call from her husband, in which he made a sudden proclamation of divorce (“*sebut talak*”) to her on the phone. Ros suspected that he had been pressured to do so by his first wife or his mother (or both), as this seemed completely out-of-character for him; he was, she said, by nature a “good man” (“*dia orang baik*”). Her suspicions were further confirmed when her husband refused to repeat his proclamation of *talak* in front of her.

Nevertheless, a clear proclamation of divorce had been made, and Ros was therefore in court the day I met her for the validation of extra-judicial divorce (*Pengesahan Perceraian Luar Mahkamah*).¹¹⁵ However, because her cross-border marriage contracted in Thailand had not yet been registered in Malaysia, Ros had to settle this first before she could get her divorce validated. Although it might be a shorter process if she went to Narathiwat to get her divorce recognized there, Ros claimed that she wanted to confront her husband in a Malaysian Court anyway “to teach him a lesson” (“*untuk beri dia pengajaran*”), but he repeatedly delayed the process by ignoring the summons from the court. Ros also expressed to me her feelings of regret at not lodging her marriage validation application immediately after their *nikah*, when they were both still on good terms. It did not occur to her to do so, because she truly believed he loved her then, and that they would not come to this.

Ros believed that despite what transpired, he “still loved [her]” (“*masih sayang lagi*”), but did not want to let her go yet (also possibly because he did not want to see her married to another man). In light of her own marriage falling apart, Ros became convinced that cross-border marriages were “one hundred per cent not good” (“*seratus peratus tidak baik*”) because they fail to guarantee women the rights they deserved in marriage and also made it difficult for women to claim these rights (“*susah nak tuntutan apa-apa*”). Nevertheless, she conceded that despite cross-border marriages’ disreputable status in society (“*dale pandange masyarakat meme dok molek*”), they do allow couples to avoid sinning in the eyes of God (“*dari segi hukum Allah, elak dosa*”), thus reflecting its socially ambivalent status.

¹¹⁵ Proclamations of divorce (*talak*) outside of court without prior permission from the judge are considered a serious offense and require the couple to validate the divorce in court. In this process, the judge will decide whether the *talak* has taken effect or not depending on the exact words uttered by the husband and under what circumstances.

Not many cross-border couples realized the importance of validating their marriage in court until it was often too late. Ros and many other women I met in Kota Bharu's Shariah Court who were validating their marriage post-divorce all expressed their regret at not validating their marriage as soon as they returned to Malaysia after their *nikah*, at which point, they claimed, they were still caught in the "honeymoon phase" and certainly did not expect things to take a turn for the worse ("*tak sangka jadi macam ni*").¹¹⁶ As Ros's marriage suggests, cross-border marriages upset the normal course of events as they normally begin with an elopement, followed (usually) by an unofficial divorce, then the ironic legal validation of a marriage that has in reality already expired, and finally the validation of this divorce. Due to this, cross-border couples are often accused of "not thinking ahead" ("*tak fikir panjang*"), and thinking only of the short-term gains — that is, the *halal*-ization, and consummation of their relationship. They are seen to ignore the harsh realities of marriage ("*asam garam rumah tangga*") that await them.

In conclusion, I have demonstrated how a cross-border marriage in Southern Thailand is a strategy for the realization of "*halal*" intimacy that evades various kinds of authorities: national (the Malaysian State), legal (Shariah bureaucratic requirements for marriage, especially polygamy), paternal (the bride's *wali*), and uxorial (first wives). Cross-border marriages are quick, discreet, and cheap, making them preferable to complex, bureaucratic, but legally-compliant marriages contracted in-state. However, I argue that such a marriage is a delicate negotiation between disclosure and discretion because its sustainability depends on its secrecy. Many of these unions were conceived in secret, and perhaps may have had a good chance of thriving if left to grow organically behind closed doors. However, its (eventual) exposure soon threatened to bring calamity upon the couple; angry first wives and indignant parents may attempt to sabotage the marriage, and the State may enforce its own punitive measures on the transgressive couple. Cross-border marriages, by their socially and legally contested nature, are therefore highly precarious, as their stability often decreases correspondingly with their increased exposure. In the following chapter, I draw on the ethnographic fieldwork I have conducted in the Shariah Courts of Kota Bharu, Kelantan to explore how the legal translation process

¹¹⁶ Indeed, most marriage validation cases were lodged months or even years after the *nikah* was contracted in Thailand, and usually after some form of calamity had befallen the marriage.

of these transjurisdictional cross-border marriages further adds to this precariousness, and is a way of policing intimacy and marriageability by the Malaysian State through “mundane” processes of “bureaucracy”.

Chapter 5: Management of Marriage

Malay-Muslim cross-border marriages illustrated in the previous chapter suggest an emerging form of “underground” marriage that is reduced to its utilitarian function of “*halal-izing*” intimacy, and stripped bare of its cultural and traditional significance. It is shrouded in a mist of secrecy and deceit that further isolates it from the couples’ kinship network, but this is all necessary: an exposure of the marriage to the public may threaten its very existence. What is most striking about these cross-border marriages is the State’s condonation of these unions, despite their extra-legal origins and clear defiance of parental and paternal authority. The State’s recognition of such marriages in Malaysian Shariah Courts reveals the contradicting roles it inhabits as the protective, paternal State on the one hand, and the “patriarchal” (M. Mohamad 2010a), male-privileging one on the other.

In this chapter I will investigate how, as Michael Warner (1999:96) argues, marriage becomes “the central legitimating institution by which the state regulates and permeates people’s most intimate lives”. I argue that Malaysian Shariah Courts are a crucial locus for the study of the processes of marriage-making. The Shariah Courts constitute the site of a long-standing and ongoing confrontation (or evasion, as the case may be) between this highly pervasive and all-encompassing entity my Malaysian informants refer to simply as “the State” (“*kerajaan*”), and the domestic sphere, to which the institution of marriage is typically consigned (Bell 1997). Peletz (2002:3) argues that Malaysian Shariah Courts play a crucial role in the formation of “modern” Malay-Muslim families, as he writes:

“Malaysia’s Islamic courts are critical sites in the creation and policing of new Malay Muslim families and subjectivities that state policies have singled out as the basis for a modern-day citizenry and national polity that will hopefully be competitive — economically and otherwise — in Southeast Asia and globally.”

As I will demonstrate below, Malaysian Shariah Courts play a crucial role in the making and unmaking of the elementary family unit. They dictate marriage and marriageability; act as a gatekeeper that shelters the conjugal unit from “excessive” kin interference; and

strive to ensure the material well-being of polygamous families. However, this is achieved through a protracted adherence to processes of “bureaucracy” that inconvenience its subjects, with noticeably dire consequences for the well-being of different members of Malay families.

Gupta and Sharma (2006:13) argue that it is through repetitious acts of “proceduralism” — defined as “the banal repetition of every day actions, and the mundane realities of following precedent” — that “the primacy of the state is reproduced”. Similarly, I will demonstrate that the Islamic Bureaucracy’s unmoving — or indeed, one could argue, increasing — preoccupation with procedural correctness in contracting a marriage points directly to its presiding role over marriage and marriageability, and therefore over the intimate lives of its Muslim subjects. I suggest that bureaucracy is another subtler form of intimate surveillance by the Malaysian State that operates alongside its moral policing efforts discussed in Chapter 3. While the MPU polices and punishes pre- and extra-marital intimacy with some degree of force, intimidation, and an overt display of power, this form of intimate surveillance is enforced through (intentionally) inconveniencing means, clothed in an aura of procedural correctness. This is primarily achieved through the highly convoluted and impenetrable legal-bureaucratic practices of contracting a marriage (both monogamous and especially polygamous) through the appropriate channels within the Islamic Bureaucracy.

The State is fully transparent about the legal-bureaucratic processes involved in marriage but, as I was to learn, these are enforced in rather mundane ways that render their consequences less apparent to its Muslim subjects. The marriage laws in the Islamic Family Law 1984 (2002) that are in use today, and to which all Muslims in Malaysia are subjected with no exception, present many seemingly-insurmountable legal challenges to contracting a marriage, particularly for polygamous couples. Based on these laws, the Islamic Bureaucracy has the authority to dictate and regulate its Muslim subjects’ marriageability — particularly when it concerns the practice of polygamy — and therefore has a direct hand in the making and unmaking of Malay marriages in Malaysia today.

On the one hand, the State’s willingness to legally recognize (polygamous) cross-border marriages demonstrates an attempt to bring the second union under its protection by

according the second wife and her children their rights as Malaysian and Muslim citizens of the State. However, the State often fails to consider the husband's (financial) ability to maintain multiple wives and families when recognizing these extra-legal polygamous marriages. This runs counter to its own conditional stipulations for polygamy (detailed in the previous chapter), which makes polygamy the privilege of financially eligible men. In this scenario, the Malaysian State can be seen to be condoning a potentially harmful practice of polygamy that privileges male entitlement to polygamy rather than family well-being. More importantly, I suggest that the State's legal recognition of cross-border polygamy contradicts and jeopardizes the monogamous marriage model it advocates in its endeavor to build "modern" Malay marriages that are more stable and enduring. Nonetheless, the State's inconsistent and unstandardized responses to the marriages coexisting within the same polygamous union demonstrates a flexibility and leniency in Shariah law that enables the State to mediate, and to respond contextually to, the different needs and circumstances of each marriage.

To explore this, I will first delve into an exploration of the notion of "bureaucracy" as a set of very complex legal-bureaucratic processes and procedures. Second, I focus on the legal validation processes of cross-border marriages in Malaysian Shariah Courts, which are often beset with complications and delays that cause deep frustrations among my Malay informants. Third, I describe the legal complications of *wali* evasion in court, in which the State's paternal authority seems to supercede that of the father himself. Fourth, I examine an inheritance dispute that transpired after the decease of the polygamous husband, which brings to light the sensitive nature of economic concerns (in particular property division) between the husband-father's surviving wives and children. Finally, I offer some reflections on whether the State's management of marriage is conducive or destructive to its goal of building "modern" Malay families.

I. Paperwork & “Proceduralism”

David Graeber (2006) is well-remembered for having commented in his 2006 Malinowski Memorial Lecture that “paperwork is boring”. In fact, he further suggests, “There really aren’t many interesting things one can say about it”. Indeed, the word “bureaucracy” often conjures up an image of a complex series of rigid, unending, and impenetrable procedures, or what Weber considers to be a “dehumanized system of impersonal, rationalized procedures and rules” (Gupta & Sharma 2006:46). My Malay informants often expressed “strong negative emotions” (Graham 2003:199) towards “bureaucracy”. These were intense enough that they found themselves willing to transgress State laws to contract their marriage across the border in Southern Thailand, and to keep their extra-legal union unregistered upon their return to Malaysia (with great consequences, as I describe below). However, once the “honeymoon period” (as one Malay woman called it) was over, and some form of legal protection was needed from the State (in cases of the birth of a child or divorce, for example), these cross-border couples soon discovered that there was simply no escape from this ever-present Bureaucracy.¹¹⁷

In this section, I explore the Malaysian State’s manipulation of the seemingly mundane process of paperwork in guarding access and creating a pathway to conjugal intimacy. Looking at such everyday bureaucratic practices of the State — or what Mathur (2010:18) calls the “*minutiæ of statecraft*” — allows us to focus on how the banality of the everyday life of the State enables it to reproduce itself. In her study of the bureaucratic practices of the newly-established Indian state of Uttarakhand in the Indian Himalaya, Mathur highlights the centrality of paperwork — in particular its production, content, tone, “language”, and the politics of its circulation within the various levels of the complex bureaucracy — in the workings of the state. Drawing on Tarlo (2010), who argues that official documents are the “*lingua franca*” of the state, Mathur (2010:138) similarly asserts that paper “injects life into the state” and is “not just a thing that bureaucrats work with”. For her, it is in the physicality and materiality of documents through which the Indian state’s authority is transcribed.

¹¹⁷ In this chapter, I explore “bureaucracy” as a set of complex legal-bureaucratic processes relating to the contraction and dissolution of marriage. This is distinct from “Bureaucracy” as a collection of institutions that constitute the “State”.

Paperwork also permeates nearly every level of the Malaysian Islamic Bureaucracy and is one of the ways through which the State establishes marriageability and the legal validity of select marriages. This, I suggest, is an intentionally unsuspecting way in which the State regulates marriages, hidden beneath the guise of “procedural correctness” (“*mengikut prosedur*”). By this I refer specifically to the series of unstandardized and often capricious legal-bureaucratic procedures every couple has to undergo to receive any form of authorization from the State for the contraction, validation, or dissolution of marriages (including cross-border ones), which vary from state to state. This method is implemented in a rather mundane manner which renders the consequences of bureaucracy evasion and failure to adhere to “procedures” less obvious to errant citizens. These bureaucratic procedures are, in the words of several Shariah Court officials I interviewed in Kelantan, intentionally designed to “inconvenience” (“*menyusahkan*”) couples so that they may feel discouraged from marrying across the border in Thailand or Indonesia. While the State has indeed succeeded in making many couples feel this “burden” of bureaucracy (“*beban birokrasi*”), my interviews with Malaysian cross-border couples in Thailand indicate that rather than deter them, this only served to drive them to elope across the border to Thailand.

The rationale behind the Malaysian State’s intense preoccupation with the procedures of marriage is that it is the duty of the State to ensure that moral standards are upheld and the *nikah* has been contracted according to the correct procedures of the Shariah. An Islamic marriage is essentially a “legally binding contract” involving an offer and acceptance (*ijab* and *qabul*) between two individuals with the legal capacity to enter such a contract (Black, Esmaeili & Hosen 2013:115). The marriage contract must be witnessed by two male witnesses and a bride price (*mahr*) must be given from the man to the wife. A *nikah* that fulfills all these requirements (*sempurna*) ensures the “purity of the conjugal bond” (“*kesucian rumahtangga*”), and *barakah* or *keberkatan* (blessing) in the marriage. With this, it is hoped that the marriage may last, produce “good” offspring (“*anak-anak yang soleh dan solehah*”), and result in a strong and stable family institution.

The conditions (*rukun*) of a legitimate *nikah* are listed as follows in a “Marriage Handbook” published by JAKIM (2013:12):

- 1) The prospective groom must be a man (*lelaki*);
- 2) The prospective bride must be a woman (*perempuan*);
- 3) The *wali* must be present;
- 4) As are two male witnesses;
- 5) Proclamations of *ijab* (offer) and *qabul* (acceptance) are clearly made.

These conditions made marriage a “bureaucratic burden” rather than a spiritual pursuit, thus intensifying its inaccessibility. The required presence of the *wali*, as seen in the previous chapter, provided my informants a strong incentive to contract the marriage (in secret) in Thailand, particularly if there was any evidence of parental disapproval to the union. In cross-border marriage validation procedures, such conditions were also assessed retrospectively to determine the validity of the *nikah* in the eyes of the Shariah. To ensure the secure and blessed reproduction of the Muslim *ummah*, a monitoring of the correct fulfillment of *nikah* requirements is therefore essential.

My informants of all ages complained that marriage was rendered “difficult” (“*susah*”) by the various documents required to obtain permission to marry from the state religious authorities. These were many and usually differed across different states. In Kelantan, for example, the necessary documents for marriage included the marriage application form (*Borang Permohonan Kahwin*) from the local *imam* (*imam mukim*). This form must be submitted to the Assistant Registrar of Marriage, Divorce, and Reconciliation (*Nikah, Cerai, dan Rujuk*, or “NCR”), who would confirm the applicant’s residence (*pengesahan anak mukim*) and marital status (i.e. whether the applicant has previously been married), and grant permission to marry (*kelulusan berkahwin*). The prospective bride’s *wali* was also required to sign his consent to the marriage (hence the need for *wali* evasion discussed previously), and a confirmation letter of the applicant’s single status (*surat pengesahan status bujang or dara*) from an employer or a local religious authority (an *imam* for example) must also be presented.

Marriage applicants were additionally required to attend compulsory pre-marital preparation courses (*kursus pra-perkahwinan*) provided by their state Department of Religious Affairs, which delineated the rights, roles, and responsibilities of each spouse to the other in the marriage as dictated by Islam. Other states such as Johor also required

marriage applicants to be tested for HIV at a local clinic.¹¹⁸ If the applicant sought to marry a spouse from a different state, additional permission from the Department of Religious Affairs of the prospective spouse's home state was further needed.¹¹⁹ Considering the hassle of acquiring permissions, documents, signatures, and approvals from various bodies and authorities to marry legally in Malaysia, it is therefore unsurprising that a quicker cross-border marriage in Thailand appealed to many of my Malay informants who sought a quicker and more direct access to marriage.

The legal-bureaucratic processes of marriage in Malaysian Shariah Courts illustrate inconsistencies in marriage procedures between states, with some exercising more leniency and fewer demands for paperwork and proof than others. This fragmented management of marriage across the country tempts men to “shop around”, as Jones (1994:282) puts it, for the state with the most lenient conditions for polygamy. For example, whereas states such as Selangor required men to present strong evidence of their financial resources to support multiple families (as demonstrated in the next section), others such as Kelantan were less concerned with this requirement (Siraj 1994:566; M. Mohamad 2010a:376). Indeed, one polygamy application I examined in my research in Kota Bharu's Shariah Court archives revealed a case in which a 58-year-old man earning RM400 (£80; a very meager income, even by Kelantan's rural standards) was granted permission by the judge to marry a second wife. Due to this, many men from other states have attempted to apply for permission for polygamy in Kelantan, which were often rejected by the judge on the basis that the applicant (i.e. the husband) was “not a native resident of this state” (*“suami bukan anak mukim sini”*).

My conversations with court officials suggested that judges frequently found themselves in a double bind: though they knew that some aspiring polygamists were already struggling economically to support their existing family, rejecting their application would only propel the couple to elope across the border to contract their polygamous marriage. According to one judge I interviewed in Kota Bharu, it was “better to [let them] marry

¹¹⁸ If tested positive, permission for marriage can still be granted. This is to simply ensure that every applicant enters into a marriage fully aware of whether the spouse is HIV-positive or not.

¹¹⁹ All affairs concerning religion – which includes the management of marriage, divorce, and inheritance governed by the Islamic Family Law – are administered by state religious authorities (the Council and Department of Religious Affairs).

here [under the supervision of the state]” (*“lebih baik kahwin sini sahaja”*). Thus, although the Malaysian Shariah system has laws in place for the bureaucratic management of marriage, inconsistencies in their execution across states seem to have resulted in a more “diluted” and “dispersed” enforcement of the State’s authority in policing marriage and marriageability. This creates greater leeway for marriage to help its citizens avoid the committing of sin, and thus shows the State’s response to the desires of its citizens.

However, cross-border marriages, while “convenient” in establishing a conjugal bond recognized in the eyes of the Shariah, are difficult to validate legally in Malaysian Shariah Courts. This would require the marriage to undergo a cross-border marriage validation process (*pengesahan perkahwinan luar negara*), which, in recent years, has acquired an increasingly complex and elaborate character that often extended this bureaucratic process by many years. In the following section, I explore how this formal, legalistic, and bureaucratic management of marriage translates into experience for the Malay cross-border couples I encountered in Kota Bharu’s Shariah Courts.

II. Judgment Day

Many cross-border couples I encountered soon discovered that their evasion of bureaucracy in pursuit of marriage would be an “expensive” mistake they would have to pay with time and money. This was especially felt when the impending birth of a child, or an unfortunate divorce, compelled them to legally validate this marriage in Malaysian Shariah Courts. Nonetheless, a validated and registered marriage does have one coveted advantage: it would bring their Thai marriage up to the same legal standard as any marriage contracted locally within the law. This would consequently allow the woman to secure the rights of a lawfully wedded wife as granted by the Malaysian Shariah system, which included applying for divorce to be able to remarry; claiming maintenance, inheritance, or alimony from the husband; and registering the birth of any of their children. In this section, I illustrate how the legal validation of cross-border marriages

play out in Kota Bharu's Shariah Courts in ways that reproduce the image of a paternal, benevolent State towards its people.

Cross-border marriages in Thailand form a substantial preoccupation of the Malaysian Shariah legal system, to the point where such marriages are accorded their own provisions in the Islamic Family Law. These center on two distinct categories:

- 1) *Kes Mal 010*: Registration of Marriages Contracted Out-of-State Without Permission (*Pendaftaran Pernikahan Luar Negara Tanpa Kebenaran*);
- 2) *Kes Mal 012*: Registration of Polygamous Marriages Contracted Out-of-State Without Permission (*Pendaftaran Pernikah Poligami Luar Negara Tanpa Kebenaran*).

Marriage validation cases begin with the submission of a form specific for *Kes Mal 010* or *012* and supporting documents such as the Thai *nikah* certificate, photocopies of passports, proof of travel, and, if needed, a certification letter from the Malaysian Consulate in Songkhla. Following this, the couple are summoned for a hearing with the judge. Usually both husband and wife appear in court together, sometimes accompanied by the parents or family members of the bride who by now are aware of the union. If the two witnesses present during the *nikah* are willing to testify in court, and all the documents are in order, the couple may only have to come for another hearing to hear the judge's sentence and how much they will be fined — usually no more than RM1,000 (GBP200) each for marrying out-of-state without permission, and another maximum of RM1,000 to the husband for practicing polygamy (if that was the reason for the cross-border marriage in the first place) without prior permission (*berpoligami tanpa kebenaran*). However, if the judge discovers several complications or inconsistencies with the couple's story, then he may declare the *nikah* invalid (*tidak sah*). In this case, the couple will be ordered by the court to live in separation temporarily (as the couple are not recognized as legitimate husband and wife in the eyes of the Shariah), until they have undergone another Shariah-compliant *nikah* in Malaysia.

Most marriage validation cases take between two months to two years – even longer if the couple fail to cooperate and appear in Court whenever summoned. After the judge has

given his ruling (*keputusan*) on whether the marriage does indeed fulfil all the requirements of the Shariah, he will determine the fine amount by considering the couple's financial circumstances, as well as the reasons behind their elopement. After paying the fine, the couple can then pick up the "ruling slip" (*slip keputusan*) and "fines slip" (*slip denda*) from the Court, which they then submit to the Department of Religious Affairs (JAHEAIK) to register their *nikah*. It is JAHEAIK that will eventually issue the couple a Malaysian *nikah* certificate (which will clearly list Thailand as the location of *nikah*) that gives this marriage legal validity in Malaysia. With this *nikah* certificate, the couple may register the birth of their children as Malaysian citizens (and thus entitle them to a state education and healthcare provision), make claims on each other as any legally-recognized spouses could, and register the dissolution of their union in the case of divorce. They are now, in other words, officially man and wife in the eyes of Islam as well as of the Malaysian State.

The marriage validation process varies from state to state, with some states requiring more proof than others. The process of compiling a wide range of paperwork and supporting visual evidence to prove the phenomenological validity of the marriage to the judge can often take months. Missing documents and witnesses could even delay this process to years. This especially concerned the (inconsistent) requirement of the supporting letter from the Malaysian Consulate in Songkhla for the marriage validation cases, which attests to the veracity of the details contained in the Thai-issued *nikah* certificate.¹²⁰ Kelantanese judges, for example, did not require a supporting letter from the Consulate, though they did insist on the procurement of two of the very same witnesses listed in the *nikah* certificate to testify in court. On the other hand, in the Shariah High Court of Shah Alam (a neighboring city about 30 kilometers from Kuala Lumpur), one judge I observed specifically required the submission of the supporting letter from the Malaysian Consulate in Songkhla. In several marriage validation cases I attended in Shah Alam's Court, the couple (usually only the husband) was directed by the judge to procure the supporting certification letter from the Malaysian Consulate in Songkhla. This was a process that would often cost more time and money than the couple could afford; couples based in the southern part of the country far from the border required more time to make

¹²⁰ The Consulate double-checks with the PCIA issuing the *nikah* certificate that the date and venue of the *nikah* listed in the certificate were all consistent in their records too. The Consulate officer explained that this safety measure was necessary in case of fraud.

the journey to Songkhla. They would also need to allow the Consulate at least 24 hours to process their *nikah* documents. This delayed their case even further, and many couples unable to follow up with their case due to time or financial constraints ended up withdrawing their marriage validation case (*batalkan kes*). If the couple failed to show up at the hearing three times in a row, their case would automatically be discontinued by the court (*buang kes*). The couple would have to reapply for the legal validation process from the beginning, should they wish to validate their marriage.

As the table presented below suggests, during the time of my fieldwork, Kelantan received more applications for monogamous cross-border marriage validation than polygamous ones. It is highly possible that the actual number of these marriages is much higher than statistically indicated. This is because not all cross-border marriages were validated in court — at least not immediately after the couple's return from Thailand. Furthermore, most cases take more than a year to be validated. This temporal inconsistency is reflected in the remarkably lower rate of approval compared to registration in any given year. The lower approval rate is not necessarily attributable to the judge's rejection of such applications or the *nikah*'s failure to meet a Shariah requirement; rather, it may be because these applications are carried over to the following year. When reviewing the files for *Kes Mal* 010 and 012 from the court archives, I rarely encountered an application rejected by the judge. If there were any, this was typically because the husband was not a native of Kelantan rather than due to any inconsistency in the *nikah* itself.

	Kes Mal 010 (Monogamous CBM)		Kes Mal 012 (Polygamous CBM)		Kes Mal 011 (Polygamy Applications)		Marriages Registered	Divorces Registered
	Registered	Approved	Registered	Approved	Registered	Approved		
2009	2,956	1,605	–	–	139	90	15,322	2,478
2010	2,972	1,393	–	–	124	93	16,106	2,572
2011	3,081	1,471	–	–	128	98	17,124	2,734
2012	1,872	1,342	874	438	141	112	14,493	2,223
2013	1,605	975	740	378	129	91	18,093	–
2014	–	–	–	–	–	–	18,514	–

Figure 14: Marriages, Divorce, and Cross-Border Marriages Registered in Kota Bharu's Shariah Court, Kelantan (2009-2014)

Source: Kota Bharu's Shariah Court & Kelantan's Department of Religious Affairs (JAHEAIK)

Given that an average of 16,600 *nikah* were contracted per year in Kelantan between 2009 to 2014, it can be surmised that cross-border marriages constitute roughly ten percent of marriages contracted in Kelantan. In 2009, the rate of monogamous cross-border marriages is even more striking when compared to the number of in-state marriages registered that year, which is five times higher. This is statistically significant, as it means that one out of five married couples in Kelantan had secured their marriage in Thailand in 2009 alone, possibly by way of an elopement, and in contravention of Malaysian State laws. However, in the period between 2009 to 2013, the number of cross-border marriages validated has decreased significantly, to almost half. This decrease may have corresponded with the tightening of Malaysian Shariah provisions on the registration of these marriages. From 2013, JAKIM only recognized marriages registered in five accredited PCIA's in Southern Thailand: Satun, Pattani, Yala, Narathiwat, and Songkhla.¹²¹ This might discourage couples whose marriages were contracted by *imams* with no formal accreditation from the Thai Bureaucracy to register their marriage in Malaysia. A decrease in the rate of cross-border marriage validation cases in court thus may not necessarily translate to its decreasing incidence; rather, tighter "bureaucracy" may compel couples who marry in extra-legal ways to conceal their union from the State if it does not conform to the State's marriage requirements.

Furthermore, it is important to note that the number of polygamous cross-border marriage validation cases exceeded the number of polygamous applications by six times. This demonstrates a clear preference for Malay couples to contract their polygamous marriage in Thailand rather than to procure formal permission from the Shariah Court. The overwhelming number of polygamy applications (Kes Mal 011) approved by the judge also suggests that the court may not be as strict as many couples feared, and that the reason for eloping to Thailand must extend beyond merely legal concerns (to keep it secret from first wives, for example).

Though many cross-border couples were reluctant to face the Bureaucracy upon their return to Malaysia, others truly committed to the marriage, on the other hand, willingly surrendered their marriage to Malaysian Shariah Courts, and wasted no time in getting it

¹²¹ Certain sources included Phattalung in the list of accredited PCIA's (Free Malaysia Today 2014), but the Malaysian Consulate in Songkhla confirmed to me that marriages contracted in Phattalung would not be recognized by the Malaysian State.

legally recognized. Zu, a second wife in her 30s who was waiting for her turn to be called into the judge's chamber to register her marriage, explained to me with great pride at how she came to be in Kota Bharu's Shariah Court that day:

"I only came here today because my husband told me to. I didn't know anything – he was the one who showed me where I should sign [on the documents], he was the one who went to court. I myself didn't know it was this complicated, but he said he wanted to protect my rights."¹²²

Such gallant readiness from the husband to be the protector of his wife's legal rights was highly exceptional among cross-border couples I met. From Zu's surprise, she too was clearly aware of her fortune (*jodoh*) to be with a man who was conscious of her legal rights – a privilege denied to many other second wives. Although both couples were typically required to appear in court during marriage validation cases in Malaysian Shariah Courts, most second wives I met claimed to be the instigator of such legal action, as they were aware that their rights would be at stake if they left it too late, whilst their husbands had nothing to lose (and indeed, would still be able to contract additional marriages within the limit of four set by Islam). Second wives whose marriages ended prematurely ("*jodoh tidak panjang*"), such as Ros (described in Chapter 4), regretted not validating her marriage in the Malaysian Shariah Court while she and her husband were still "on good terms" ("*masa tengah baik-baik*"). My informants revealed that this "honeymoon period" was when husbands were more likely to be obliging; once the enchantment of being newly married had faded, men could return to being "irresponsible" (*tidak bertanggungjawab*) and "uncooperative" (*tidak berkerjasama*) husbands.

The women I encountered in Shariah Courts and the court officials who attended to their marital grievances held complementary views on the subject of wayward husbands. The protective power of bureaucracy was explicitly reiterated by several (always male) judges I observed in Kota Bharu, who similarly asserted that Shariah Courts did not exist to make people's lives difficult, but to *prevent* people's lives from *becoming* difficult. The

¹²² In Malay, she said to me, "*Akak datang hari ni pun, suami yang suruh. Akak tak tahu apa-apa – dia yang suruh akak sign sini, dia yang naik turun mahkamah. Akak pun tak tahu susah macam ni, tapi dia kata dia nak jaga hak kita.*"

implications of the non-registration of these cross-border unions were manifold: many cross-border couples had married but found that the wife was not entitled to government-subsidized antenatal care without showing legal proof of marriage. When the child was born, they could not register the child at the National Registration Department, which would consequently deny the child access to State schools. The most common anxiety I heard expressed by Shariah court officials about the legally precarious status of these children, especially if they were daughters, was the question of male guardianship (*wali*). As one official said to me, “Who would be her *wali* when the time comes for her to marry?” (“*Nak kahwin nanti, siapa jadi wali?*”). Shaking her head in resignation, she then continued to express her frustration that too many cross-border couples she had encountered in court failed to anticipate the legal consequences of their cross-border unions if left unregistered by the Malaysian authorities.

The Shariah Courts demonstrate how “proceduralism” enables the State to symbolically project itself as a paternal, benevolent institution whose main interest, it claims, is to protect the well-being of its citizens, especially women (“*untuk menjaga hak kaum wanita*”). Many women who had come seeking legal protection in Kota Bharu’s Shariah Courts had been “deceived” (“*ditipu*”) in one way or another by men who had seduced them into eloping to Thailand, then abandoned them. These second wives consequently found themselves stuck in “limbo”, or in local parlance, “hanging without a rope” (“*digantung tak bertali*”) – that is, they were married in Islam, but with their husband *in absentia*, not in law or practice. Forced to apply for divorce in the Malaysian Shariah Court, they finally grasped the reason behind the State’s stringent procedural emphasis on marriage: rather than serving as a hindrance to marriage, such bureaucratic complexities were understood retrospectively as a way of showing what a “real” marriage based on devotion and commitment was and what, to the man, was merely a “game” (“*perkahwinan main-main sahaja*”).

In one case in which the plaintiff applied to be divorced from her husband, whom she had married in Thailand and who had disappeared soon after their elopement, the judge asked, “Now do you realize why he did not want to marry you the proper way [in Malaysia]?” She nodded silently, and later agreed that her husband’s suspicious reluctance to introduce her to his family from the beginning, and his insistence on marrying in Thailand through whatever means, may have been because he wanted to hide his already-married

status. The “lesson” taught by the judge in this case was that if a man was truly serious about marrying to build a life with the woman, he would not be quick to abandon the marriage (especially so soon after it had been consummated). Rather, he should be the one presenting the woman with the documents needed to get their Thai marriage registered in a Malaysian court, so that she would have recourse to the legal protection of her rights if needed. The judge therefore justifies the Court’s adherence to marriage as a paternal act of protection, as a way of helping its female citizens distinguish “honorable” intentions for marriage from more “deceitful” ones. In the following section, I illustrate how the State’s paternal authority overrides that of the father himself, as it recognizes marriages contracted in secret and without the *wali*’s permission.

III. Wali Evasion

Many cross-border couples chose to solemnize their union in Thailand without the knowledge and permission of their parents and family. For these couples, seeking forgiveness from parents seemed a more viable option than asking for permission to marry (“*Meminta maaf lagi senang dari meminta kebenaran*”). As one couple I met in Songkhla said to me, “If we are already married, then what can [they] do?” (“*Kalau dah kahwin, apa boleh buat?*”).

Those with the confidence to say this often had yet to feel the taste of paternal wrath upon their return to Malaysia. For many couples, parental knowledge of the marriage often destabilizes existing kin relations, even, as I demonstrate below, culminating in fierce legal battles in court. The moment of revelation for my informants whose *wali* – and the rest of the family – was unaware of the union was never a happy memory to recall. One second wife I met from Johor, Salmah, recounted to me the moment she came home one day to introduce her father (her *wali*) to her husband, whom she had just married secretly in Narathiwat. Her father did not accept this shocking news from his daughter with grace or patience; within minutes of the meeting, he had driven his son-in-law out of the house with a machete (*parang*), with all the rage of a man whose daughter had been unjustly extricated from his paternal protection without his prior blessing. The nerve this man had

to elope with his daughter displeased him, evident from the way he unsparingly screamed at his son-in-law during this first encounter, “How dare you elope with [my] daughter!” Rebuilding the bridge between the couple and the father took years and careful mobilization of the support of Salmah’s siblings and her extended kin. Many of her relatives felt ambivalent about her “taking someone else’s husband” (“*ambil suami orang*”) but pitied her nonetheless, knowing how close she had always been to her father. Relations between both father and son-in-law eventually cooled down, and the matter was then hushed up within the family.

Salmah’s case above illustrates how cross-border marriages defy a fundamental purpose of Malay marriages – to build and tighten relations (“*mengeratkan silaturrahim*”) – by jeopardizing existing kin relations. Monogamous couples only risk alienating both their natal families, but for polygamous couples the risks are multifold: relations with their own natal families, as well as with the husband’s first wife and children. This causes great concern between the couple on the moral state of the marriage, for it is thought that marriages without social approval and parental – especially paternal – permission were devoid of blessing (“*tidak berkat*”), and would not last. Cross-border couples who have fallen out of grace thus have much interest in regaining their parents’ – and the public’s – esteem.

My archival research into the registration of cross-border polygamous marriages (*pengesahan poligami luar negara tanpa kebenaran*) in Kota Bharu’s Shariah Court suggests that paternal wrath and rejection of the marriage can be – and indeed in several recorded instances, is – battled in court. This is where kinship ties are superseded by an impersonal Shariah more interested in the demands of “proceduralism” (Sharma & Gupta 2006:13). Below I present two cases gathered from the court’s archives to demonstrate this legal battle for the legitimization of “love” on the one hand, and the preservation of paternal power over the guardianship of a daughter on the other.

Case I: The Teacher & the Headmaster

Atiqah, 32, married Hasan, 55 – a married man with six children – as his second wife in Narathiwat in 2013. During the marriage registration back in Kota Bharu, Kelantan, her father, Samad, intervened by filing a request to have the marriage annulled based on two

reasons: 1) the distance between the location of the *nikah* and his whereabouts at the time of the *nikah* (less than the minimum requirement of 90 kilometers for a *wali hakim*); and 2) *hubungan kafaah*¹²³, which meant a “status” disparity (“*setarafan*”) in the marriage which could make the couple incompatible as spouses. Samad feared that Atiqah had been “tricked” into the marriage and was powerless to escape from the clutches of this “*gatal*” (lascivious) polygamous man because of the power differentials between them: Atiqah, incidentally, was serving as a new teacher at the same school where Hasan was the headmaster. Thus, according to Samad, to decline romantic advances from her own boss would put her job in jeopardy, which had caused her to succumb to his ploys.

In court, Samad was adamant that no one in the family was aware of Atiqah’s marriage to Hassan until she returned home to her family one day all battered and bruised. She confessed that she had been attacked by the first wife of her husband at the school where she worked. Following this incident, Samad resolved to have the marriage annulled, as he feared this union would only bring more harm than happiness (“*mudarat lebih besar*”) to his daughter. Nonetheless, as Samad could not prove his own whereabouts at the time of the *nikah*, the judge ruled that the *nikah* had met all the requirements of the Shariah and was thus deemed valid (“*mahkamah mengisytiharkan perkahwinan in adalah sah*”). The couple were officially – and legally – husband and wife under Malaysian law.

Case II: Forging Fate

Nisa, 32, married Farid, 47 – already married with two wives and a total of five children – as his third wife in Narathiwat in 2013. Her father, Mahmud, like Samad, also intervened in her marriage validation process back in Kota Bharu, Kelantan, for the following reasons:

- 1) Nisa complained to him that her *nikah* was contracted beyond her will (“*perkahwinan beliau adalah bukan dengan kerelaan beliau*”) and that she was in a questionable state of consciousness (“*antara sedar dan tidak*”) during the *nikah*;

¹²³ *Kafaah* (an Arabic term literally meaning “balanced” or “complementary”) is considered an important ingredient in a marriage that ensures that both husband and wife complement each other in social status, wealth, religion, and temperament.

- 2) The distance between the *wali*'s whereabouts and the location of the *nikah* did not meet the minimum requirement;
- 3) The *wali* was never contacted or requested for permission from any party and had never given his permission for his daughter to marry any man;
- 4) The credibility of the *jurunikah* was questionable;
- 5) The *wali* knew nothing of the defendant (Farid's) background ("*latarbelakang*"), and there was no *kafaah* (complementarity in standard) between the couple;
- 6) There existed evidence of deception in the *nikah* procedure itself ("*Wujud unsur penipuan dalam majlis akad nikah tersebut*").

Mahmud fought to have the marriage annulled because he asserted that the plaintiff (Nisa) did not consent to it, nor was she fully conscious during the *nikah* ("*Plaintif berkahwin tanpa kerelaan dan tidak sedar*"). The *nikah* seemed to have proceeded under suspicious circumstances: in a printed screenshot from a mobile phone of text messages exchanged between Nisa and her older sister, Nisa had claimed that on the day of the *nikah*, after her friend "Ju" had dropped her off at her office, her telephone rang, and she could not recall what transpired afterwards. She did recall being in a "trance"-like state, but all seemed vague, and the signature on the *nikah* certificate, supposedly hers, was unrecognizable to her. In the same conversation, Nisa also expressed clearly that it was not at all her intention to marry Farid (who was also her boss at the construction firm where she was a secretary). In fact, Nisa was already engaged to another man, Norman, with whom she had promised to shop for "*barang hantaran*" (wedding gifts) during the coming fasting month.

However, during the court proceedings, Nisa also submitted police reports claiming that she had married Farid in Thailand and that she was "safe" and "happy with [her] husband" ("*saya berada dalam keadaan selamat dan bahagia bersama-sama suami saya*"). The purpose of this report, it was further added, was to confirm that she had joined her husband of her own accord, and without any compulsion from his part ("*saya dengan rela hati keluar mengikut suami saya*"). To confuse matters further, Mahmud too submitted a police report claiming the following:

“She [Nisa] has contacted her older sister and informed that she was locked in a hotel room by this man [her husband] and cried [and] pleaded for her family to come save her ... and informed [sic] that she married this man in a state of unconsciousness and she cried begging us for help.”¹²⁴

As Mahmud could not provide further proof that would make the marriage invalid, the judge eventually ruled that the marriage fulfilled the requirements of the Shariah and was therefore deemed valid (“*perkahwinan ini adalah sah mengikut hukum syarak*”).

Both the above cases are striking for the reason that although there was clear evidence that both marriages were taking an abusive turn very early on, this was not at all the judge’s concern (at least, not at this stage). Instead, a rather mechanical, procedural emphasis was given to whether the *nikah* had fulfilled the conditions of the Shariah, and the judge proceeded to investigate whether there might be any doubts that would throw the validity of the marriage into question. In privileging the Shariah in this manner, the court is complicit in defying paternal authority by making *wali* permission for the marriage quite irrelevant to the case at hand. What mattered more was whether the *nikah* had taken place far away enough from the *wali* to warrant the use of *wali hakim* in the father’s place.

It is possible that both Samad and Mahmud’s motives were driven by their feelings of indignation at having been pushed aside by the couple in their pursuit of marriage. This is evident in the repeated mentioning in both files that “the *wali* never gave his permission to the marriage” (“*wali tidak pernah memberi kebenaran kepada perkahwinan*”). Nevertheless, both fathers’ motives for pursuing the annulment of their daughter’s marriage demonstrate how reluctant they were to relinquish their paternal protection over their daughters, particularly to men of questionable reputation. In both proceedings, Hassan and Farid’s already-married status made them highly undesirable as sons-in-law because the demands of their existing families could mean that their own daughter’s needs in the marriage would be compromised. Indeed, both Atiqah and Nisa seem to suffer some

¹²⁴ The exact excerpt in the record, written in Malay, was: “*Beliau telah menghubungi kakak beliau memaklumkan beliau dikurung di dalam bilik hotel oleh lelaki tersebut dan menangis merayu supaya keluarga datang menyelamatkan beliau ... dan memaklumkan bahawa berkahwin dengan lelaki tersebut dalam keadaan tidak sedarkan diri dan beliau menangis merayu pertolongan kami.*”

degree of physical and emotional harm at this initial stage of the marriage already, which was of great concern to their fathers but not to the judge.

In both cases, the will of the brides in question remained rather ambivalent and left vulnerable to male will, be it that of the judge presiding over the case on whom the fate of their marriage depended, or their own fathers. It was perhaps a deliberate act on the fathers' part to present their daughters as victims of preying polygamous men, who, being older and occupying higher positions of power in their professional lives, had "coerced" (*"paksa"*) them into marriage. Atiqah, as described above, was supposedly unable to refuse the polygamous proposal because Hassan, her boss, could feel slighted by a rejection and compromise her career. Nisa's case involved a weightier accusation against the son-in-law, for it was strongly insinuated that some form of black magic or supernatural means from Farid were involved. These placed her in a hypnotic state "in between conscious and unconscious" (*"antara sedar dan tidak"*) during the *nikah* and allowed it to proceed, supposedly even without her consent. By highlighting the constraints minimizing the ability of both the brides to refuse such unions, these fathers attempted to construct a narrative absolving their daughters of being complicit in, and willing participants of, such elopements.

The use of police reports in the court proceedings also suggests the way the authority of another bureaucracy – here, the police – flows into the religious jurisdiction of the Shariah Court. Police reports are used not only to testify words uttered, actions taken, and events that happened; they also attempt to project the complainant's actions and will onto a piece of paper that then takes a potent form of materiality in legal proceedings. Recall how Atiqah asserted in hers that she was "happy" with her husband, and had chosen to settle down with her husband "with [a] willing heart [of her own accord]" (*"dengan rela hati"*). This denotes her defiance of paternal will and her now diverted loyalty – from father to husband – with the marriage, and the police report she had claimed on her own underscores her agency.

These court proceedings are highly emotive battles in which the Shariah Court plays a crucial role in the nuclearization of Malay families. This, as I explain further below, is a deliberate manoeuvre by the Malaysian State in its project to produce "modern" family units (Peletz 2002). The State's privileging of Islam over kinship in marriage validation

cases has also led to the increased nuclearization of Malay marriages and their further isolation from their kinship network (Peletz 2002:207).¹²⁵ Such active encouragement of distance from kin reflects the Malaysian State's attempt to cultivate family institutions based on solid marital bonds whose strength is dependent on a certain degree of detachment from extended kinship ties. However, the judge, in privileging the correct fulfillment of "*hukum Syarak*" (Shariah requirements) over existing kinship ties, may produce ambivalent results: while this may help shield newly-married couples from the wrath of overbearing fathers, it may also leave women vulnerable in the hands of abusive husbands on the grounds that the wife's loyalty is to the husband, and her parents must not interfere in the marriage ("*campur tangan dalam hal rumahtangga*"). The nuclearization of families, and their decontextualization from kinship, could therefore deprive women of the kin network and support that could be essential resources in times of marital crises. In the following section, I demonstrate how the State's mediation of an inheritance dispute between a deceased polygamous husband's four surviving wives and 33 children shows a recognition of women's right to secure some level of material security in the polygamous marriage. This, I suggest, also signifies how the State acts as a "replacement" paternal figure in the absence of the husband-father.

IV. Polygamy & Inheritance

Polygamy is strongly dreaded by Malay women due to the threat of a possible decline in their and their children's economic standards following their husband's remarriage (Zeitzen 2008:76). The polygamous families I studied in my own research (who will feature in the following chapters) also demonstrate economic anxieties in the marriage as one of the biggest sources of emotional tension and marital dissatisfaction in Malay polygamy. To mediate these economic anxieties between wives, the State has implemented financial conditions on prospective polygamists to ensure that the first wife's material rights are protected. This is one way the State compels the man to shoulder his financial responsibilities as the primary provider of his family. However, after the

¹²⁵ This is in line with other Muslim countries such as Yemen, for example, where the settlement of marital disputes in Shariah Courts has led to a decrease in societal and kinship involvement in these matters (Würth 1995).

polygamous husband-father's death, inter-familial discord over property and inheritance often occurs as a result of his failure to divide his assets "equally" between his wives and families. In this section, I illustrate a hearing on an inheritance case (*kes harta pusaka*) I observed in Kota Bharu's Shariah Court, in which the State "steps in" to mediate this inheritance dispute between a deceased polygamous man's four surviving wives and 33 children. First, I will outline the cautionary steps the State takes to protect each spouse's matrimonial assets before the marriage becomes polygamous.

The paperwork required for the legal contraction of polygamous marriages in Malaysia offers a useful insight into how Malaysian Shariah judges assess marriageability and dictate the (financial and fiscal) management of marital affairs. To illustrate this, I will compare the application form for Applications for Polygamy (known as *Kes Mal 011: Permohonan Berpoligami*) in the states of Kelantan and Selangor. In Kelantan, this form was a mere two-page affair which attempted to solicit only the most basic of information about the applicant and the impending marriage.¹²⁶ In Selangor, the very same details were asked in the application form, but with a crucial addition: the declaration of joint assets owned by the husband and his existing wife (*harta sepencarian*). In this form, the husband would be required to declare all the assets owned jointly with his first wife, those owned exclusively by his wife, and those that he owned himself. The identification of the ownership of matrimonial assets is crucial, as many applicants for polygamy in Shah Alam's Shariah Court I found through my archival research were businessmen, engineers, and university lecturers earning more than RM15,000 (£3,000) – almost quadruple that of the average income. In addition to this, these applicants also possessed assets such as properties, cars, cash savings, and businesses accumulated together with their first wives, who only consented to the marriage if the husband agreed to move ownership of these assets to their own or their children's names.

This is a clear indication that the state of Selangor makes the protection of the ownership of private assets an absolute priority in impending polygamous unions to ensure that the addition of the second wife to the marriage will not jeopardize the assets the husband has

¹²⁶ This usually includes demographic information such as the age of the applicant and the future wife, marital status, occupation, educational level, income; where and when they intend to marry; details of the bride's *wali* (male guardian); and a signature and claim of support from the couple's local imam.

accumulated with his first wife throughout their years of marriage. In doing so, the State also safeguards the assets of the first marriage from being harmed through the husband's (potentially hasty) marital expansion. Selangor's prioritization of the protection of assets in marriage – more so than Kelantan – further illustrates that Selangor's applicants for polygamy tend to be from a wealthier background than their Kelantanese counterparts, suggesting more assets at stake with their impending polygamy.¹²⁷ Most importantly, however, these application forms acquire a particular significance in the State's regulation of marriages because these documents draw people's private lives out into the realm of the public by bringing them under the close scrutiny of the State. In other words, these application forms are essentially a public declaration of how they will (financially) manage their private lives. Based on these documents, the State has the authority to decide whether an individual would be an eligible candidate for polygamy or not, thus legitimizing certain unions while condemning others.

These cautionary bureaucratic measures are undertaken by the State to ensure that all the polygamous husband's dependents (*waris*) will not “scramble” over his assets (*“berebut harta”*), as could easily happen, for example, upon the death of the husband. I once witnessed an inheritance (*harta pusaka*) dispute in Kota Bharu's Shariah High Court involving a deceased polygamous man's four surviving wives and 33 children (23 of whom were in attendance that day). The late husband (*“si mati”*) was a self-employed contractor who owned a hardware business and was a small-time local real estate developer. He was clearly a man of some means, but as the hearing unfolded, it was evident that his first two wives had contributed significantly to his economic prosperity by liquidizing their own assets (such as gold jewelry) to cover the costs of his business operations.

While the husband was alive, there appeared to be no dispute as to who owned what in the marriage. However, following his death, claims of ownership soon began to surface from the wives. The family was in court that day for this very reason: apparently, the first wife had claimed that several houses and a car (a Pajero four-wheel drive) that had hitherto been “communal property” was hers because she had invested her own money that enabled the acquisition of these properties. Further questioning by the judge during

¹²⁷ The material aspects of polygamy are discussed in Chapter 7.

the trial also revealed that the deceased had “gifted” (*hibah*) one of the properties in dispute exclusively to her. Murmurs of disagreement from the siblings followed. If her claims were indeed true, she would have sole claim to the property, thus denying all the other heirs their share of it. The first wife’s claim also sparked murmured outrage among the children of the other wives, for it suggested favoritism: why did the husband give this property to her, and not any to the other wives? It would have been unjust of the late husband to favor his first wife in such a manner, and not show the same gesture of “love” to his other wives.¹²⁸ However, such claims would have to be supported by at least one witness who heard first-hand from the deceased, and could reiterate word by word under oath what he had said when such claims of generosity had been made. As the first wife had not prepared any witnesses, the judge suspended the case until she brought someone to testify for her.

Throughout the hearing, a general feeling of tension pervaded among the siblings in the courtroom, who felt ill at ease and uncomfortable that their family disputes (worse, on property) had become a matter of public (and State) concern.¹²⁹ One of the sisters (a daughter of the second wife) whispered to me during the trial, they had all “gotten along well” before the hearing (*sebelum ni baik-baik je*). The trial, however, seemed to have caused a great rift (*berpecah belah*) between them, which created much distress among the siblings. The first wife’s inheritance claim in court was met with outrage by her husband’s other wives and children, and seen as an outright violation of familial harmony, a disrespect to the memory of the deceased, and an exhibition of “greed” (*tamak*). As the siblings were leaving the courtroom, one of the brothers (a son of the second wife) approached his older brother (a son of the first wife) to shake hands as if to say, “No hard feelings”. However, he was rather harshly rebuked when the older brother did not “accept” this gesture of reconciliation and left the court with his mother. This provoked an emotional response from the rejected brother, who had to be physically restrained by his sisters as they said, “*Sudoh, sudoh [sudah]!*” (“Enough, enough!”).

¹²⁸ The second wife was performing a pilgrimage (*umrah*) in Makkah at this time, and was unable to attend the trial.

¹²⁹ Family “misunderstandings” (*perselisihan faham*) such as this should ideally be kept “in the family”.

This polygamous inheritance dispute highlights why the State deems it necessary for ownership of assets and properties in the marriage to be clearly delineated to each wife before any additional marriages are contracted. Failure to secure this could cause disputes between wives and children in the future, particularly when the husband is no longer around to “distribute” his assets (“*bahagikan harta*”) with fairness between all his heirs. This case refutes theories of urban polygamy which argue that the addition of wives to the marriage further expends his resources, thereby posing a greater economic “burden” to the husband (R. Firth 1966:49; Boserup 1970:35; Zeitzen 2008:76). To the contrary, the first wife’s claims of having invested in the husband’s business interests through various financial contributions suggests that wives in polygamy do contribute to the husband’s economic prosperity (*rezeki*). However, wives’ economic contribution is usually not to the polygamous marriage as a collective unit, which includes their co-wives, but to the husband only. This allows them greater “entitlement” to the husband’s assets which derived from the “fruits” of their investment. It is important for the wives to stake their claim on what they feel to be their “rightful” share of the inheritance which, according to Islamic laws of inheritance (*fara’id*), would be distributed in equal shares among the wives, irrespective of how much contribution each had made.

This polygamous family is admittedly rather unusual for many reasons: the husband had four wives (as opposed to the usual two Malay men can afford), which testifies to his wealthier-than-average status; his polygamous marriage was fully transparent, as all wives acknowledged the existence of his other wives; the wives seemed to have some degree of co-operation and interaction with each other; and the children grew up knowing their siblings from their father’s other wives. Nonetheless, this inheritance dispute between the wives and children in polygamy was a common occurrence that was heard frequently in my discussions of polygamy with my informants. Indeed, this was one of the reasons polygamy was deeply dreaded by women, especially first wives, who often perceived the second wife as an unwelcomed usurper of her share of the husband’s economic resources and an economic threat to her and her children.

This polygamous inheritance dispute also created “bad blood” that resulted in a reconfiguration – if not a rupture – of kin and co-wife relations in the marriage. My conversations with some of the sisters during the trial suggested that the siblings had “grown up together” (“*membesar ramai-ramai*”) and did not discriminate between their

own siblings of the same or another mother.¹³⁰ Children of different mothers in polygamy rarely co-mingle with each other in this manner; they usually grow up in separate households with their respective mothers, with limited interaction in between. The siblings were therefore intensely uncomfortable with the divisive turn of this trial, which caused the siblings to redirect their loyalties along maternal lines and to regroup into sub-units headed by their own mothers. In times of family crises such as this, children's loyalties are always first and foremost to their mothers and to siblings of the same mother. This loyalty usually superseded that to their own fathers, and wives distressed by their husband's polygamy often found comfort in the support of their own children. In the absence of the unifying husband-figure who would normally hold his families (and marriages) together as a cohesive unit, the collective polygamous family is jeopardized by conflicting interests, gradually disintegrating.

Malay polygamous families can therefore be envisaged as a series of monogamous family units, each consisting of the wife and her children, and all held together by their shared bond with the common husband-father figure. Inheritance disputes demonstrate how the State may attempt to placate material and financial concerns in the marriage, but it cannot quite mediate the feelings of discord and discontent when claims of ownership between wives begin to erode existing kinship ties. The husband-father figure here features as a crucial player in the distribution of resources in the family, whose absence requires the intervention of the State to "step in" ("*campurtangan*") as a replacement authority figure to mediate co-wives' competing claims for resources.

V. The Future of Malay Families

The bureaucratic management of Malay marriages in Malaysian Shariah Courts as described above is a rich locus for the study of how Malay-Muslims' experiences of intimacy and domesticity are heavily inflected by State institutions of "Bureaucracy" (i.e.

¹³⁰ Tense co-wife relations can also result in hostility between children of different mothers in polygamy (particularly if the second wife brought children from her past marriages into the union).

the Shariah Court) and legal processes of “bureaucracy”. These cases point to several emergent issues in the Malaysian State’s approach towards cross-border and polygamous marriages that require further discussion.

I wish to take seriously the point advanced in legal anthropology by proponents such as Lawrence Rosen (1989), John Bowen (1998; 2000), and Erin Stiles (2009), who argue that judges and the judgments they give should not be considered in isolation from the particular historical position they are embedded in. In fact, *fiqh* (jurisprudence) practice is and should be, in Bowen’s terms, “socially and culturally variegated, taking into account custom as well as circumstance” (1996:13). This stand varies from previously established studies of Islamic law and legal traditions, particularly in Western scholarship, which regarded it as “static” and “idealized”. The unpredictability of Islamic judges or *kadhi* has been one of the hallmark features of Islamic law and legal traditions perpetuated in Western scholarship, particularly by Max Weber and his conception of *kadijustiz*, in which:

“[L]aw-making and law-finding are substantially irrational ... to the extent that decision is influenced by concrete factors of the particular case as evaluated upon an ethical, emotional or political basis rather than by general norms” (quoted in Agmon & Shahar 2008:2).

In other words, Islamic law is seen by Weber as symbolizing “an irrational form of law” that is “paradigmatically antithetical to the enlightened “Western” court of law” (Agmon & Shahar 2008:2).

Contrary to this image of an uncompromising legal system painted by Western scholars, Rosen (1989), Bowen (1998; 2000) and Stiles (2009), argue that Shariah law is flexible and open to interpretation, and should therefore be examined contextually. My examination of the Malaysian State’s inconsistent treatment of polygamy shows its attempt to respond circumstantially to the needs and desires of the marriages in the union, which often have conflicting and competing claims on the husband. First wives are often alarmed at the State’s accommodating approach to polygamy, fearing that this would jeopardize their access to the husband’s economic and affective resources. Second wives on the other hand, as I have demonstrated, see this leniency and willingness to recognize

extra-legal polygamous cross-border marriages as an opportunity for securing legal access to companionship, intimacy, and economic security. These opposing claims therefore require a delicate negotiation and mediation of each wife's interests. However, the State is inevitably unable to please all those involved: while the State endorses and explicitly prescribes monogamous marriages, its refusal to acknowledge the second marriage may leave the second wife in a legally vulnerable position. Yet to deny men the right to practice polygamy would only compel them to transgress State and spiritual sanctions on extra-marital intimacy, leaving the State to shoulder the moral blame for their subjects' legally precarious pursuits of marriage and intimacy. The State's amenable approach catered specifically to each marriage in the polygamous union illustrates the leniency and flexibility of Shariah law, which is sympathetic to the circumstances and position of each spouse within the marriage. The State's primary role in dictating the conditions of marriage and marriageability is thus to mediate these contradictory concerns between the spouses, with the aim of protecting and preventing the disintegration of the conjugal unit.

However, the State's contradictory position towards polygamy defies its own official policies promoting monogamous marriages as the ideal (and modern) Malay marriage, which carry significant implications for the family institution. In fact, the State is seen to be paradoxically complicit in the unmaking of Malay families, as I have demonstrated previously. Polygamous cross-border marriages, when exposed, could place both marriages in serious jeopardy. Nonetheless, the State's rigid adherence to "proceduralism" (Gupta & Sharma 2006:13), which forbids any injunction against men's "God-given" right to polygamy, compels them to concede that if the polygamous marriage contracted did indeed fulfill all the demands of the Shariah, then the State must recognize the union as valid. The husband's financial ability as well as other conditions of polygamy he would otherwise have to fulfill seemed irrelevant in these marriage validation cases. In fact, no assessment is made at all to qualify his entry into polygamy, or to ensure that his remarriage does not threaten his existing marriage's economic position. This is a significant contrast to the State's "official" (but clearly negotiable) position on polygamy that makes it a "conditional" right for men. In the end, it is not the husband who must prove his eligibility for polygamy to the State, but the procedures of the marriage that speak for themselves. In this vein, I argue that the State's recognition of cross-border marriages – and polygamous ones in particular – presents a serious

impediment to its project of building stable, enduring monogamous, and modern Malay families. Contrary to this ideal, polygamous marriages – contracted in-state and across the border – compromises the ideal Malay (and the Malaysian State's) marriage model, and invites its eventual demise.

In conclusion, this chapter has offered an insight into how the Malaysian Shariah court itself, as Peletz (2002) argues, serves as a center for the production of culture and meaning. I have outlined the bureaucratic requirements for marriage (both monogamous and polygamous) that make its extra-legal alternative – a cross-border marriage in Southern Thailand – particularly appealing for aspiring polygamists. However, this attempt at bureaucratic evasion backfires heavily on these errant couples, who soon discover that validating a cross-border marriage back in Malaysia in fact involves *more* bureaucracy. The numerous legal and domestic complications that arise on the cross-border couples' return to Malaysia points to the highly precarious nature of living out a transjurisdictional marriage — and this is perhaps the price these couples pay for their pursuit of “*halal* intimacy”. Malay-Muslim cross-border marriages are transjurisdictional in that they simultaneously draw on Malaysian and Thai laws for legal and religious legitimacy. Yet the transcendental and neutralizing character of the Shariah serves as a common denominator for the jurisdiction of both nations, significantly facilitating this cross-jurisdictional process. The legally convertible nature of these marriages reflects the transnational, transcultural, and transcendental nature of the Shariah, whose necessity and validity is conceded on both sides of the border. As Malaysian citizens bound together in holy matrimony by Thai Islamic authorities, their transjurisdictional elopement has created a severe disjuncture in which people belonging to particular nation-states cross borders to take advantage of the laws and jurisdictions of another to contract what the legal theorist Prakash Shah (2010) calls “inconvenient marriages”.

I have also illustrated yet again another dimension of the Malaysian State's preoccupation with paperwork and procedural correctness in governing its Muslim subjects' intimate lives. This is in fact indicative of its consistent concern for permissibility in intimacy, and the formulation, authorization, and restriction of permissions concerning with whom, where, and in what manner one may be intimate with another. Paperwork is essentially a means to gatekeeping marriage and marriageability through bureaucracy. The cross-border marriages discussed here demonstrate how polygamy is essentially treated by the

Malaysian State as two separate monogamous marriages. Although the State idealizes the modern Malay family as a monogamous unit, its willingness to recognize cross-border polygamous marriages despite a husband's financial ineligibility for polygamy contradicts this modernist pursuit. In the following chapters, I offer an ethnographic exploration of Malay polygamous marriages to demonstrate how conflicting claims and interests over the husband's economic and affective resources shape the dynamics of the marriage in significant – and often damaging – ways.

Chapter 6: Halved Husbands

Whenever a husband comes home from work whistling and humming a love tune, makes the odd and unusual gesture of loving generosity to his wife, starts wearing deodorant and leaves home with “nice-smelling armpits” (“*ketiak wangi*”), Malay wives find themselves in a serious dilemma: to partake in his mysterious happiness, or to be profoundly suspicious? Too often Malay wives discover that the person responsible for such unprecedented lightness of the husband’s heart is another woman. This woman could be a (harmless) “pretty young thing” he entertains on the side, or his newer, other wife, thus transforming her into a co-wife. The husband’s happiness thus becomes the source of unsettling suspicions; the catalyst of clandestine investigations; the starting point of the rapid unraveling of a possible secret second marriage that had been thus far successfully kept in the dark. The husband’s happiness, in other words, is the beginning of so much unhappiness to come.

In this chapter, I propose to address the complex and multidimensional nature of Malay polygamy by privileging the perspectives of the many polygamous wives I got to know intimately during my fieldwork in Malaysia. My aim in this chapter is to shift the spotlight from the figure of the polygamous husband juggling two wives to that of these wives themselves, who deserve significant attention in our analysis for the reason that the one thing they maintain in common – a shared husband – is the very source of their contradictory experiences. Specifically, I suggest that we do not view “polygamous wives” as simply one unified category, which would do great injustice to the breadth of their experiences; rather, explicit attention must be given to the positionality of these women as either first or second wives in the polygamous marriage. A woman’s position as the first or second wife gives rise to various insecurities and anxieties not only concerning who the husband loves more – and indeed, by how much – but also about securing their share of the husband’s economic and emotional resources. Indeed, as I hope to demonstrate, their status as “the first” (“*yang pertama*”) or “the second” (“*yang kedua*”) is, in large part, what defines the course of their – and their children’s – fate in the marriage.

In this endeavor I have not completely marginalized, but merely minimalized, the presence of polygamous husbands in this and the subsequent chapter. Besides my explicit intention to highlight the female experiences in polygamy, this is also the case simply because I had spoken to more polygamous wives than I did to polygamous husbands during my research. Indeed, my status as a female researcher certainly accorded me easier access to women's lives. This allows me to explore how polygamy may be a female choice too and not an exclusively male endeavor. Polygamy is a high-risk pursuit of *halal* intimacy for women, but it does allow them – especially second wives – the possibility of securing companionship, access to motherhood (especially at a “late” age), and “love”. This nevertheless comes at some cost for first wives, who seem to lose more than they gain in their husband's remarriage. As such, I hope to demonstrate the women's agential capacity to act and negotiate for their desires and interests within the constraints of polygamy, which is heavily shaped by the various structural and economic factors they must contend with.

In what immediately follows, I consider polygamy from the perspective of three women: a first wife, a second wife, and an almost-second wife. I end the chapter with some reflections on love in polygamy.

I. From the Sole to the First

“How can you be happy, when we are all unhappy?”
- Mak Zah to her husband

Mak Zah is a first wife in her 60s who unearthed her husband's polygamy in 1990, after 21 years of marriage. Mak Zah, had been traveling overseas with her sisters and friends without her husband that year, but upon her return to Malaysia, she sensed that something was “off” (“*tak kena*”) in how unusually “happy” her husband seemed. Her heart was not at ease. Her interrogations of his driver led to the revelation that he had indeed recently been to Kelantan – on some mysterious business. One day, her brother was in Teluk Intan in the neighboring state of Pahang, where he saw Mak Zah's husband with another woman – “But she didn't look like you,” he had said. Mak Zah confronted her husband Pak

Yazid¹³¹ and finally succeeded in eliciting a confession from him: yes, he had indeed married another woman in Kelantan, and that woman sighted in Teluk Intan was his wife. His second wife was in fact his own first cousin ten years his junior, then aged 38, who had supposedly been “in love” with him for twenty years during which she had rejected other men’s marriage proposals. He, feeling deeply “indebted” (“*terhutang budi*”) to her parents for having supported him financially during his studies in university, thought marrying their daughter would be an expression of his gratitude.

There was simply nothing that could justify his polygamy to Mak Zah however. In fact, Mak Zah was frustrated at how she had sacrificed so much – her career, and financial independence – to build a family with him, yet it had all been “for nothing” (“*sia-sia saja*”) now that he had destroyed her expectations of (lifetime) monogamy. When they married, she had resigned from her job as a nurse and became a full-time housewife, which left her husband as the sole breadwinner in the marriage. Her husband’s career progressively thrived so that, at the time of his remarriage, he had become a high-ranking official in a local private corporation.¹³² Mak Zah told me with pride how she had “groomed” him and supported him extensively in his career, to the point where he also became a local politician and a member of the state legislative assembly (*ahli dewan undangan negeri*, or ADUN). The more financially successful he was in his career, the more economically dependent she and her children were on him. This, Mak Zah admitted, was a major miscalculation on her part: while he prospered economically, it did not occur to her to set aside some cash or property for her own or her children’s economic security, thinking that – in her own words – “it will always be okay”. Her economic dependence on her husband did not offer the option of leaving him after his polygamy was unmasked, nor did she have her own property she could move into with her children. And so she felt she was forced to endure the situation.

Her husband’s gradually decreasing economic support added various financial pressures in addition to the mental and emotional trauma Mak Zah was already experiencing. They

¹³¹ Pak Yazid is Mak Zah’s second husband. She was divorced from her first husband, with whom she had three children.

¹³² According to Mak Zah, he was not only provided with a company-employed personal driver; he also used to come home with a briefcase full of RM30,000 (£6,000) in cash in bonuses (an extraordinary amount in Malaysia then).

argued a lot, and fought frequently and violently – both she and her husband had flaring tempers and a proclivity for physical violence. The emotional trauma was isolating and intolerable to her, particularly as she received virtually no emotional or financial support from her own kin, from whom she had kept the news of his polygamy. Besides the shame and humiliation of her husband's remarriage, she was also certain that her family, who "absolutely adored" ("*sayang sangat*") her husband, would side with him. (She was right.) During this time, her own children began to absorb her emotional turmoil when her two daughters, both in secondary school, faced disruptions in their studies, and her youngest and only son was admitted to a mental health institution for depression. Seeing her own declining economic and emotional state and that of her children, Mak Zah decided that she had to rebuild herself. She resumed her past occupation as a nurse in a private hospital, where she found solidarity with other female patients who were similarly battling or coping with their husbands' polygamy. Rebuilding her economic independence and emotional stability allowed her to establish a renewed sense of perspective and purpose in her life.

In keeping with traditions of Malay polygamy, Pak Yazid had kept his two wives in separate households, though both within Kuala Lumpur.¹³³ This caused further strains in the marriage, as Mak Zah claimed that the division of his time was typically in the second wife's favor. During our first interview, Mak Zah complained to me that her husband had recently disappeared for a week to England with his second wife for their son's graduation ceremony in Sheffield without first informing her, which she thought was unjust.¹³⁴ Furthermore, his sudden departure meant that her second wife had taken Mak Zah's share of her husband's nights that week without her consent – another reason to be upset.

Although Mak Zah "knew" who her second wife was, they had never met face to face, as is typical with Malay co-wives. Over the past two decades of sharing a husband, Mak Zah had developed much discontent towards her co-wife, whom she said was the cause of various grievances: the falling apart of her marriage (which appeared at that time to be a stable and happy); the sudden loss of her exclusive access to her husband, and to his

¹³³ In the following chapter, I dedicate a section exploring the logistical difficulties of "multi-local" polygamy.

¹³⁴ She explained that she was not angry at the fact that he had traveled overseas with his wife, but at the fact that she had to discover this from his family.

economic and emotional resources; the emotional trauma she and her children experienced, which had caused irreparable psychological damage.¹³⁵ Mak Zah also deeply resented how her husband cherished his son with his other wife – his “*Golden Boy*”, she spat out to me – while their own son was in a mental institution from years of emotional and physical trauma from his father’s unstable – and at times violent – temper, which Mak Zah attributed to the psychological pressures of polygamy. Mak Zah felt indignant at how disrespectful her co-wife had been to her and her children, and had even claimed to have heard her tell her husband, “*Anak abang tu gila!*” (“Your son is crazy!”). Despite the hostility between his two wives, Pak Yazid frequently pestered Mak Zah about when she was going to “reconcile” (“*berbaik*”) with his other wife, as if it was *her* (Mak Zah) who needed to ask for forgiveness from her junior co-wife. “To forgive?” Mak Zah said when we spoke, “Never!”

During the earlier stormy days of his polygamy, Mak Zah had repeatedly demanded a divorce from Pak Yazid, yet he “refused” (“*tak nak bagi*”). A divorce, he said to me, “would not solve the problem” as his children from one wife or the other would be deprived of a father figure.¹³⁶ Despite her constant claims for divorce, Mak Zah demonstrated a deep disinclination to carry the stigma of being a divorcée (*janda*) if ever her marriage were to terminate as she half-hoped. Even though their marriage had been on the rocks for decades, she said at least whenever she was asked on social occasions, “Where is your husband? [*Suami mana?*]”, she could vaguely say, “*Ada* [He’s around]”. This sounded “more palatable” (“*Sedap sikit bunyinya*”) than admitting divorce. Indeed, foregoing divorce – no matter how unhappy she was in the actual marriage – assured her a sense of security afforded by her married status, and is also the reason many other first wives I encountered chose to stay in a sinking marriage after their husband’s polygamy.

Furthermore, many first wives such as Mak Zah herself also saw complete withdrawal from marriage (in a divorce) as “admitting defeat” (“*mengalah*”) to the co-wife, who

¹³⁵ Mak Zah’s daughters had developed what she described as a “phobia” of marriage and were, in their 30s, still unmarried.

¹³⁶ Quite a few polygamous fathers I have spoken to seemed to be under the impression that their continued presence in their children’s lives, even after marrying another woman, would bring some “positive impact”, though this rarely appeared to be the case (there were exceptions, of course). In fact, children in polygamy, particularly daughters such as Mak Zah’s, often grow up feeling ambivalent – even rather cynical at times – about the institution of marriage, having seen how polygamy has negatively affected their own parents’ marriage and familial happiness.

would then have absolute monopoly over the husband. This was made evident to me when after my interview with Mak Zah, I was told by her daughter-in-law, Karina (featured in the following section), that after the discovery of her husband's remarriage, Mak Zah had reported his polygamy and increasingly abusive tendencies to his employer. Strict action was taken against him, as it was unfitting for a high-ranking official in the corporation to be complained about as a negligent man at home. Pak Yazid was demoted for his misconduct, which resulted in a steep decrease in his income. Although I did not learn about this from Mak Zah herself, it is possible that she had reported him precisely to this end, for her husband's decreased income would essentially mean that though she herself would be affected, her co-wife would suffer too.¹³⁷

Nearly three decades after Pak Yazid's remarriage, it was clear that Mak Zah still carried the burden and anguish of her husband's "betrayal", which felt like, as she said to me in English, "being stabbed in the back with a knife". Our interviews consisted of alternating intervals of raw, highly emotional outpourings and slightly calmer moments of clarity; of tumultuous tears and sudden, contemplative silences. Nonetheless, Mak Zah now appeared to have "settled" into the arrangement, even admitting that not having her husband around all the time gave her the liberty to cultivate her own interests in religious studies and also to visit her friends, children, and her grandchild. In fact, if Pak Yazid failed to fulfill his turn at his second wife's house, Mak Zah confessed she would soon start feeling "stifled" (*rimas*). Mak Zah also found much solace in sharing her polygamous experiences with her in-law (*besan*), Mak Cik, who, as demonstrated in the following chapter, had suffered the same fate of enduring her husband's sudden polygamy for more than three decades. At the end of my fieldwork, there was no more talk or demand of divorce from her part; Mak Zah had "resolved" (*redha*) to grow old with her husband, even if it meant having to share him with her co-wife.

Mak Zah's response to her husband's polygamy highlights the resources first wives require to either stay afloat in the marriage, or to gain independence from it. The most important of these is money. The introduction of the husband's new dependents into the

¹³⁷ It is striking that a private company was willing to take a moral stand against Pak Yazid, even though "polygamy" – an institution legal under State laws – hardly constituted a "crime". Even more striking is the first wife's pursuit of revenge, even if his decrease in fortune affects her own income as much as it would the usurping incumbent.

marriage necessarily means that the first wife and her children's share of his income will be compromised – assuming, of course, that both wives are dependent on the husband for economic support.¹³⁸ Mak Zah's biggest source of frustration after discovering her husband's polygamy was her sense of being helplessly trapped in the marriage, which emerged from her lack of any economic security that would have allowed her to leave the marriage and survive independently of her husband. Realizing this lack, Mak Zah quickly resumed her career to reassert some degree of her own economic independence, which also served to guard her emotional interests too. She also took active steps to drastically reduce his income (and to some extent, his social status and "good name" ("*nama baik*") by shaming him) through her complaint to his employer, thus ensuring that she was able to share out the pain of her reduced circumstances.

¹³⁸ However, if the second wife were a crucial economic contributor to the marriage, as illustrated in the following section, the dynamics would be different.

MULTIGENERATIONAL POLYGAMY

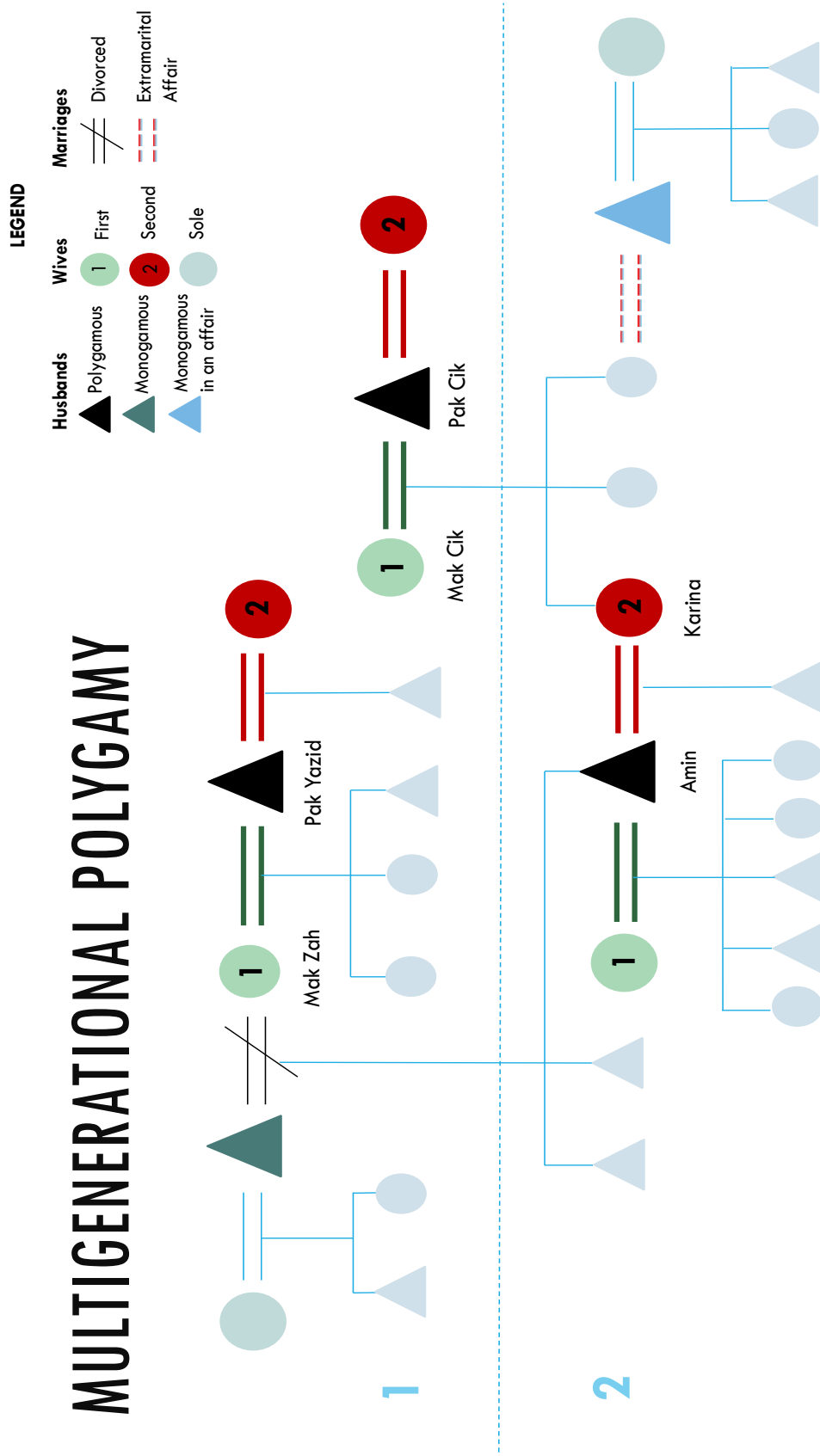


Figure 15: Multigenerational Polygamy

The second resource required is simply mental and emotional strength. First wives such as Mak Zah undergoing this highly traumatic period in their lives are typically not alone – often, their children are dependent on them too for emotional support during this critical time of turmoil (or transition, if the husband’s remarriage eventually leads to divorce). Mothers who are themselves suffering in this difficult time would be unable to provide the moral support and care their children need. In her case, Mak Zah saw her son’s downward spiral into mental illness as intricately linked to her own emotional instability and fragility during the early days of her husband’s polygamy, which endured for a “long time” (“*lama*”). The only way for Mak Zah to overcome the decline of her emotional well-being was to steel herself mentally and emotionally by finding a new sense of purpose through her career and children, and meeting other women in the same position as herself. Her marriage, most importantly, ceased to be her primary source of emotional and personal fulfillment; indeed, first wives such as Mak Zah begin to see little worth in investing emotionally in the marriage at this stage, since at the end of the day, their husbands were unable to appreciate it and would “seek another” (“*cari lain*”) anyway. The table below demonstrates how the husband often contracts his second marriage in secret, but the revelation of this second union places the first marriage in serious jeopardy.

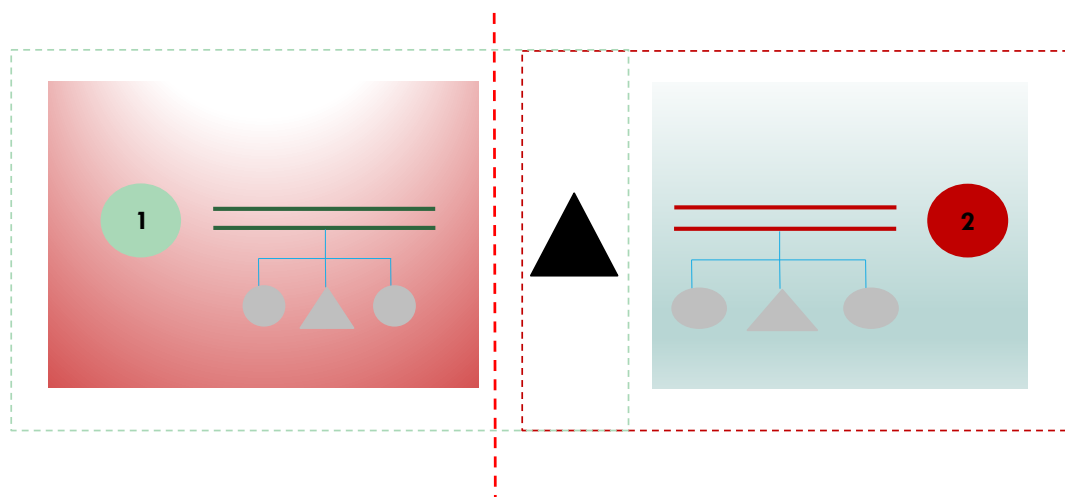


Figure 16: Re/Degeneration

A great source of frustration for Mak Zah following her husband’s polygamy was how his diverted attention, loyalty, and resources signify that he was no longer fully committed

to the companionate (and monogamous) marriage model they had built together. This demonstrates how polygamy compromises the companionate marriage ideal promoted by the Malaysian State, and which many Malay women aspire to achieve in their own marriages. Despite the legal prevalence of polygamy, many Malay women, like Mak Zah, entered their marriages with the expectation that they would be monogamous (and remain so). Thus, they rarely prepared themselves for such an unfortunate turn of events. The emotional trauma and economic instability many first wives are plunged into upon discovering their husband's remarriage signifies a significant decrease in *kasih sayang* (companionate love) shared between spouses, particularly when wives perceive their husbands' polygamy as an act of betrayal, a breach of trust, and as having no "pity" ("*kasihan*", which comes from the root word "*kasih*", meaning "love") for them and their children.

Although many first wives feel it is "better to be divorced than to be in a polygamous marriage" – often expressed with indignation as, "*lebih baik dicerai daripada dimadu*" (R. Firth 1966:49; Jones 1994:210) – Mak Zah's case suggests that various considerations might make polygamy "the lesser of two evils". In fact, her disinclination towards divorce (despite earlier demands for it) suggests that freedom and emancipation from the marriage does not necessarily offer better options – there is the shame, stigma, and further economic uncertainty, not to mention the difficulty of seeking a new life partner or "replacement" ("*pengganti*") for the husband. Indeed, Zeitzen (2002:85) notes that in contemplating the termination of their marriages, Malay women "fear loneliness" should the divorce they seek fail to be quickly succeeded by a remarriage. Thus, although polygamy is in theory strongly rejected by Malay women, many first wives find that staying in a rocky polygamous marriage offers greater stability than pursuing the free, but "bitter" life of a divorcée.

In the following section, I delve into "the other's" perspective – that is, the second wife's – to illustrate how second wives choose and navigate their way through polygamy.

II. Better Second Than Never

“Duit boleh dicari; kasih sayang susah sikit.”
(“Money can be earned; love is a little hard [to find].”)
- Second Wife from Kota Bharu, Kelantan

There exists a particular niche of Malay women who, by their late 30s or early 40s, have got it all – advanced educational degrees and an enviable set of highly-specialized professional skills and expertise, a hard-earned position at the top of their career ladder and a six-figure salary, a fancy continental car and a house big enough to accommodate two joint families. All, that is, except for a man – more specifically, a husband (*suami*). These women find that the more successful they are, the more elusive love becomes and the more unreachable the slightest prospect of marriage. This group of women formed one group of second wives I encountered frequently in Malaysia, one of whom, Karina, is the focus of this section.

In post-Socialist Mongolia, Caroline Humphrey (2009) describes an emerging preference among highly-educated urban women to engage in the institution of *nuuts amrag* (“the secret lover”) – low-profile sexual and romantic liaisons, usually with married men. This was considered much preferable to marrying “ill-educated (sometimes drunken and wayward) men” (Humphrey 2009:24). Although there were no state or religious prohibitions against polygamy in Mongolia, such unions were unthinkable as these women were unprepared to risk losing their independence. This discreet lover-arrangement thus “provides a distance that gives room for freedom” (Humphrey 2009:24).

Malay women face similar anxieties about committing to a man of “sub-par” standard in marriage, but religious and societal sanctions on sexual propriety render most forms of pre-marital intimacy inaccessible. As I have explored in Chapter 2, marriage is the only socially, religiously and morally acceptable locus for the expression and physical consummation of (necessarily heterosexual)¹³⁹ love for Malays. Securing a man in

¹³⁹ The Malaysian Islamic Bureaucracy generally adopts what Shanon Shah (2013:270) calls a “hostile” position towards sexual diversity (including homosexuality) in Malaysia. For example, the Shariah Criminal Offences (Federal Territories) Act 1997 imposes a heavy fine of RM5,000 (£1,000), or imprisonment of no more than three years, whipping not exceeding six strokes, or

marriage is thus key to “*halal*” intimacy, sanctioned by Islam, Malay society and the Malaysian State. Celibacy by choice is not only unheard of, but also strongly frowned upon because Malays acknowledge the experience of sexual desire within every individual and require its timely fulfilment through – or within – marriage. In Negeri Sembilan, Stivens (2006:190) has noted a “small number” of highly educated Malay women “resist[ing] marriage”, but this comes “at the cost of considerable social disapproval”. This indicates that choosing not to succumb to societal pressures to marry is rather antithetical to what it means to be a Malay adult, woman, and desiring individual.

On the other hand, celibacy by circumstance, or what Jones (2009:24) calls “involuntary singlehood”, is more tolerated among Malays, and is largely interpreted as “*Jodoh belum sampai lagi*” (“[Their] *jodoh* [spouse] has yet to arrive”). This is in fact reflective of recent changes in the wider marital trends in Southeast Asia, in which this previously “universal marriage” region is gradually moving towards “later and less” marriage, especially among better-educated women (Dommaraju & Tan 2014:560). Jones (2009:21-22) attributes this delay in marriage among Southeast Asian women to several factors: first, the pursuit of higher education has allowed women to procure better jobs and secure some degree of economic independence. Second, the precariousness of the labor market makes it necessary to accumulate some capital before committing to marriage. Third, rising divorce rates make women less disposed towards marriage and more cautious in choosing a spouse. Finally, as societies become “increasingly permissive” towards pre- or extra-marital sexuality, marriage is no longer the only path towards sexual fulfillment. Despite these postponements to marriage, there continues to be a “general desire to marry” in fast-developing nations such as Singapore (Jones 2009:17). As I will demonstrate below, Malay women committed to pursuing higher education and a career face similar challenges that delay marriage as their regional counterparts (Stivens 1988:105, 2000:26). However, as described in the preceding chapters where I have discussed Malay, Muslim, and the Malaysian State’s injunction towards pre- or extra-marital intimacy, marriage continues to be a relevant institution to access the conjugal privilege of sexuality and parenthood.

any combination thereof for Shariah Criminal Offences Relating to Decency such as *liwat* (sodomy) and *musahaqah* (lesbian sex) (S. Shah 2013:270).

Many single Malay women find themselves unmarried not because they reject the institution of marriage *per se*, but simply because dating and navigating the marriage market becomes harder the older they get and the longer they remain unmarried. There are several reasons for this: first, their (sexual) desirability as wives decreases as their age increases. Having passed the average age at marriage for Malay women – usually between 21 to 26 – these women are typically seen as “*anak dara tua*” (literally, “old virgins”) thought to be sexually undesirable to their male counterparts. Second, Stivens (1996:190) observes that Malay men did not like to be “outflanked” by their wives – “educationally or socially” – which accounts for a number of educated women remaining single. My own observations in Malaysia complement this, as the unmarried Malay women I met have achieved a remarkable level of success in their careers never obtained by women of their mothers’ generation. This places them in a competitive position *vis-à-vis* their male counterparts in the job market, but does not always work in their favor in the marriage market.

This anxiety of being superseded by their wives draws on the Malay ideals of a “good husband”, which stipulate that he should be the “leader of the family” (“*ketua keluarga*”) in every sense of the word.¹⁴⁰ His role and leadership as husband encompasses the economic, social and spiritual domains: he should be – and is indeed so obligated under Islam – the primary breadwinner of the family. He should be the wise father figure who is able to raise his children to be responsible members of society. Finally, he should be able to spiritually guide his family towards God. Having a wife who far exceeds him in his career and earning potential is popularly interpreted as severely undermining his position at the very top of the family hierarchy, and consequently encroaching on his masculine pride.

High-flying career women also supposedly possess a strongly assertive personality – headstrong, confident, highly opinionated, willing to take charge unhesitatingly if needed – and thus carry themselves well in the public sphere. These qualities are hardly deemed desirable in a potential (first) wife for Malay men, who gravitate instead towards their ideal “*gadis Melayu*” (“Malay lady”): shy, quiet, complacent, unquestioning, self-

¹⁴⁰ These ideals are also explicitly enjoined by the Malaysian State, as explored previously in Chapter 2 (Panduan Keluarga Mawaddah Negeri Kelantan 2014).

deprecating, slightly unambitious yet exceptional managers of the household who excel in the domestic sphere. In short, the “*gadis Melayu*” is a woman who reveres the man and defers strongly to him. She is content with staying under his shadow, dominating the space of the home but not the world beyond. This creates a severe disjuncture between what these successful women “supply” and what their male counterparts (and society at large) “demand”. Finding a man who surpasses them in their ambition, intellect, and achievements – and, more importantly, is still unmarried – proves to be much more challenging than conquering the career ladder. For these women, there was nothing more frustrating than discovering that the only men who were of their social and intellectual caliber also came with the baggage of a wife and children.

The combination of unfortunate timing and strength of temperament, mismatched character and career make this particular group of high-achieving Malay women appear to Malay men as intimidating competitors rather than attractive potential consorts. As Jones (2009:24) argues, the primary problem with the marriage market for Southeast Asian women is not so much a shortage of “available men” as it is of men who share their “values and expectations”. While it is relatively easy for Malay men to settle with a woman who does not overshadow them in any way as their primary (or perhaps their one and only) wife, the opposite must be said for women who have set the bar so high, that the only way they may succeed in securing love, sexual intimacy, and (preferably lifelong) companionship is to compromise their expected standards in a man and monogamy.

Such successful women appear rather incompatible as first wives, but they are highly sought-after and very desirable as second wives for Malay men. They are often busy with their own careers (and therefore not emotionally needy), are financially independent (and therefore not economically needy either), and have set themselves up nicely in their own house, with their own car (which facilitates clandestine visits from the husband whenever he wishes to see her). Possessing such convenient access to mobility and economic independence allows her to lead a self-sufficient life without needing the husband to be present round the clock. Most importantly, such women also understand the need for discretion and to keep the marriage sheltered from the public, to protect both their own and their husband’s reputation. This enables him to preserve an uninterrupted performance of his husband-father role to his first wife and existing children while

maintaining appearances of monogamy, so central to the stability of the second relationship as it seeks to establish itself through marriage.

This type of polygamy prioritizes the fulfillment of the woman's emotional and sexual needs within the boundaries of marriage without actually demanding they take on the entire burden of a marriage.¹⁴¹ These couples typically contract their marriage in Southern Thailand – she after having met, befriended, then fallen in love with a man (typically a colleague) who, unfortunately, already has a wife and children at home (“*dah ada anak bini di rumah*”). While she may have fallen in love with many men prior to this, this particular married man is her “*jodoh*”, as her advancing age and biological clock do not afford her more time to find another more suitable (that is, single) candidate.

Karina, a Malay woman in her early 40s whose family I lived with in Negeri Sembilan, was one such second wife who settled down with a married man “by accident”, as it were, after years of “searching” (“*mencari*”). Karina occupied a most interesting position: she was the eldest daughter of the first wife of a polygamous marriage, but was herself also the second wife of a married man.¹⁴² Karina's life therefore consistently revolved around polygamy, both as a child from a first marriage and as a wife in a second. Her multilayered and multigenerational position within two intersecting sets of a polygamous union allowed her a unique perspective into what it was like to experience a father's polygamy as a growing child, and to then experience the position of a second wife.

Karina and her husband, Amin, had been high school classmates earlier in their youth. They were reunited as adults through Facebook and later at a school reunion event, when both were looking for life companions – she for a man to be her first husband, and he for a woman to be a successor to his current wife, with whom he was on the brink of divorce. After the reunion, the two kept in contact as friends, until one day he suddenly called her at work, asking if she “had anyone [special]” (“*Awak ada sesiapa ke?*”). Upon replying in the negative, he then pursued the matter: “If there is no one, could I have a chance [at marriage]?” (“*Kalau awak tiada sesiapa, boleh saya mencuba?*”). She was taken aback,

¹⁴¹ Some end up not having any children with their husband due to age or health factors, and many do not even fulfill the “domestic duties” of a wife, particularly as her husband appears more often as an “overnight guest” (“*tetamu*”) rather than a permanent member of a household.

¹⁴² Karina was in fact the daughter-in-law of Mak Zah, featured earlier.

but after several failed relationships and engagements, and having passed up so many chances at marriage (all her past suitors were discovered to be already married), she decided that she had nothing to lose by welcoming his interest in marriage. Furthermore, she was fast reaching 40. Here was a man who offered himself to be her life companion and, most importantly, a chance at motherhood. She thus accepted his proposition, but on one condition: she wanted to see through his divorce with his existing wife herself. Her own family was reluctant to accept a married son-in-law, having endured a generation of polygamy already.

Divorce proceedings at the court went well, until the judge decided to give the couple a month of “cooling-off” before allowing Amin to make the proclamation for divorce in court. During this time, Amin’s wife discovered that he intended to marry Karina and immediately decided to withdraw her application for divorce. Upon finding out that she was about to lose her husband to another woman so soon, his first wife became adamant about staying in the marriage and, perplexingly, even encouraged Amin to marry Karina anyway. Karina was puzzled by the first wife’s sudden lenience. To be sure of her decision, Karina performed *istikharah*¹⁴³ prayers for guidance from God on whether Amin was indeed the *jodoh* meant for her. When she did not face any physical assaults or violent outbursts from the first wife¹⁴⁴ in protest of the marriage as anticipated, she took this as a sign that there were “no obstacles” (“*tiada halangan*”) to her entry into polygamy.

She then decided that if her impending marriage were to be polygamous, there would have to be transparency between the co-wives (*madu*). She refused to be in a marriage built on deception and sneaking around, in which her husband would have to, as she put it, “answer her phone calls in the broom closet under the stairs” to hide from the first wife. During their first meeting, the first wife gave the green light to Karina to marry her husband, saying, “If you want to marry my husband, go ahead, but don’t tell me [about it]” (“*Kalau kau nak kahwin dengan dia, kahwinlah, tapi jangan beritahu aku*”). With the

¹⁴³ *Ishtikharah* prayers are performed by Muslims when one reaches a “fork” in life and one finds oneself in need of guidance in making a life-changing choice, such as choosing between two jobs or two potential spouses.

¹⁴⁴ First wives would not only understandably be angry at her husband’s impending remarriage, but Amin’s first wife in particular had a history of violent behavior.

first wife's blessing, Karina and Amin then returned to the Shariah Court, this time to lodge his application for polygamy. However, they soon realized that Amin would barely stand a chance of obtaining the judge's permission to take another wife with his meager salary as a factory employee. This became even more apparent when they learned of other more affluent applicants – one, a businessman with a monthly income exceeding RM10,000 (£2,000) – whose application had been rejected.

They then sought the aid of a cross-border marriage agent recommended by a friend who took them to Narathiwat, Southern Thailand, to contract their marriage. Upon their return to Malaysia, they immediately validated their marriage in a Malaysian Shariah Court and paid the necessary fines. Their marriage was now, to all intents and purposes, legally valid in the eyes of Islam and the Malaysian State. Although Karina's family, particularly her mother, feared for her fate as a second wife, they eventually had to accept her choice "with a heavy heart" (*"hati berat"*), and became reconciled to the possibility that this could indeed be the *"jodoh"* (match) that had been "written" (*"tertulis"*) for her.

After the first hurdle in merging their two lives together – that is, the process of actually getting married – came the next one: the logistics of living together. Fortunately, Karina, a banker with a stable income of her own, had acquired properties in Kuala Lumpur and the nearby city of Seremban, and it was therefore more economical for him to live with her in her home (where she was living independently of her natal family) than to set up another household elsewhere (which he would not be able to afford anyway). Furthermore, having to divide his week equally between her and his first wife and their five growing children also meant that he would only be around half the time. Thus, it was more sensible for him to adapt to Karina's existing living arrangements than to set up an entirely new household.

During the early stages of their marriage, Karina was very understanding if he had to suddenly return to his first wife's home even though it was his turn to be with Karina, particularly if there were "emergencies" concerning his children.¹⁴⁵ Having grown up with a polygamous father who was frequently absent throughout her childhood and adolescent years, Karina did not want to cause her stepchildren to feel similarly deprived

¹⁴⁵ Problems of truancy, illnesses, and minor misdemeanors were common occurrences.

of a father figure after she had “entered the scene”, so to speak. She was therefore well aware that her stepchildren must have felt ambivalent – if not entirely resentful – that a significant share of their father’s attention (and possibly his income as well) would now be directed towards a new woman in his life. To gain the esteem and affections of her stepchildren, she was thus willing to be “negotiable” (“*bertolak ansur*”) with time, and to give up her share of his time to allow him to fulfill his fatherly duties. The first wife, however, did not feel obliged to offer her the same courtesy. Karina suffered several miscarriages when it was Amin’s turn to be with his first wife, yet he could not make an exception to be with Karina until it was his turn to be with her. When their son was finally born however, Karina was more adamant about defending her share of his time; although she understood that the first wife was a “feisty” (“*garang*”) character, Amin himself as the “man” in the marriage should know how to prioritize his wives according to the circumstances.

Karina’s relationship with her co-wife remained “civil” and “cool” at best. There was rarely an occasion which would compel them to communicate with each other, and as was typical between Malay co-wives, neither wanted to know about the affairs of the other. Amin had once brought both his wives together on holiday to Cameron Highland (a popular local tourist destination), during which, he proudly claimed to me, he had alternated his nights equally – “one night with the first and the next with the second” (“*satu malam dengan yang pertama, lepas tu dengan yang kedua*”). I was then shown photos of this polygamous triad in Cameron Highland together, in which Amin in the middle was flanked by his two wives on either side, and all three appeared to be smiling complacently to the camera. Although the co-wives did not return from Cameron Highland as the best of friends, that they had survived this holiday – and perhaps even enjoyed it to some extent – was testament to how they were able to cast aside any jealousy and tolerate the other’s presence. Karina took much pride in this too, for not many co-wives could be on their best behavior on their first holiday together.

Karina was the primary breadwinner in her marriage – she far exceeded her husband in her educational level (possessing a Master’s degree from a local university), career (a banker in Kuala Lumpur), and in her earning capacity (a five-figure salary). Amin on the other hand never attended university and was working in a local factory at a managerial level, earning perhaps a third of what Karina was earning. Furthermore, a significant share

of his salary was already claimed by his first wife (a full-time housewife and therefore economically dependent on him), and his growing children, whose age ranged from their late teens to six years old. Karina was nonetheless happy to support herself and their child, and could even afford a full-time Indonesian nanny. Karina was also generous to her stepchildren by treating them to holidays around Malaysia during their school holidays, and guiding them in their education by offering motivation and counsel on matters such as what course to choose at university and which career path to embark on. She prided herself on being able to maintain a steady relationship with her stepchildren, for whom she held a great degree of maternal affection and concern.

Karina's mother and sisters initially expressed many doubts about having a "married son-in-law", particularly after having endured her father's (still ongoing) polygamy for more than three decades. The birth of her son – the first (and only) grandson¹⁴⁶ – succeeded in dispelling these reservations to some degree. However, they soon became disenchanted again when it was clear that having five other children meant that Amin could not be present when his son was hospitalized for food poisoning, or when the baby learned how to walk. Nor was he there when the child uttered his first few words. Much of the burden of childcare in fact fell on the shoulders of Karina's middle sister, Saleha, who was in her early 40s, unmarried, and worked as an IT executive from home, which gave her the flexibility to care for her nephew and her elderly parents. As Saleha too had grown up with a polygamous father, her tense relationship with her brother-in-law Amin may have been a projection of her resentment of polygamous men in general. Nonetheless, she was getting increasingly frustrated at his many faults: his financial contributions to the family were limited; he was also so busy with his first family that he barely had time to *be* there for *this* family, be it to address the needs of his own child or those of his ageing parents-in-law, who required frequent check-ups at the hospital.

Karina's marital circumstances illustrate several revealing dynamics of Malay polygamy. One of these is that when faced with a rival co-wife who could offer her husband the economic security that she herself could not offer him, Amin's first wife found herself at the risk of being supplanted by Karina in many ways. According to Amin, the only reason he was keeping the first marriage afloat was for the sake of his children, whom he did not

¹⁴⁶ Karina's two younger sisters also did not look as if they would be married any time soon.

want to grow up without a father figure like he did.¹⁴⁷ Thus, it was clear that there was little intimate attachment left between them, and that the only thing keeping him were their shared children. Furthermore, while I was still living with Karina's family in Pedas, there was much talk of the possibility of Karina relocating to Australia with Amin and their son, after she had secured permanent residency status there. Mak Cik, Karina's mother, reflected to me how the first wife must feel terribly insecure about the prospect of her husband moving to another continent with his second wife, which would significantly direct his time, attention, and finances away from her and her children. The first wife thus had more to lose if she attempted to sabotage his second marriage, which would jeopardize her source of economic support, further estrange her husband or, worse, compel him to divorce her altogether. Amin's first wife demonstrates yet again how some women might find it more advantageous to stay in a polygamous marriage, than to pursue a divorce. In this case, the first wife and her children benefited tremendously from Karina's economic, educational, and social capital and through her much more advanced educational and professional background. Karina's worldly knowledge from having traveled overseas extensively would also serve as a good influence on the first wife's children. Perhaps the first wife also hoped that once Karina succeeded in migrating to Australia, her children too might be able to "benefit" ("*tumpang senang*") from similar opportunities in joining their father abroad.

Although second wives are typically socially disparaged for "stealing someone else's husband" ("*ambil laki orang*"), Karina was able to deflect such harsh judgments as a second wife herself due to several factors working in her favor. Not only did she enter the polygamous arrangement with the first wife's "blessing" and with full transparency; more importantly, her self-sufficient economic status also assured the first wife that she would not be impinging on her economic rights. Karina's superior economic status to that of her husband also offered her a smooth transition into polygamy, and gave her a much greater license to decide on the logistics of the marriage. Karina owned her own house and car and could even decide to return to her natal home for childcare purposes; as she never

¹⁴⁷ Amin's mother, Mak Zah, was divorced from his father when he was still a boy. Both parents subsequently remarried and had children with their new spouses, while claiming no responsibility for their children from their previous marriage. Amin and his brothers were subsequently raised in relatives' houses, without much parental care and involvement throughout their childhood and adolescence.

sought economic support from Amin, she was the primary economic decision-maker in the marriage. There is thus a generational difference here in how her own mother (Mak Cik) and Mak Zah had limited decision-making capacity compared to Karina in this polygamous union: both the older women were entirely dependent on their husbands for economic support, which created a sense of “entrapment” in the marriage, with no financial means to leave or to seek better alternatives.

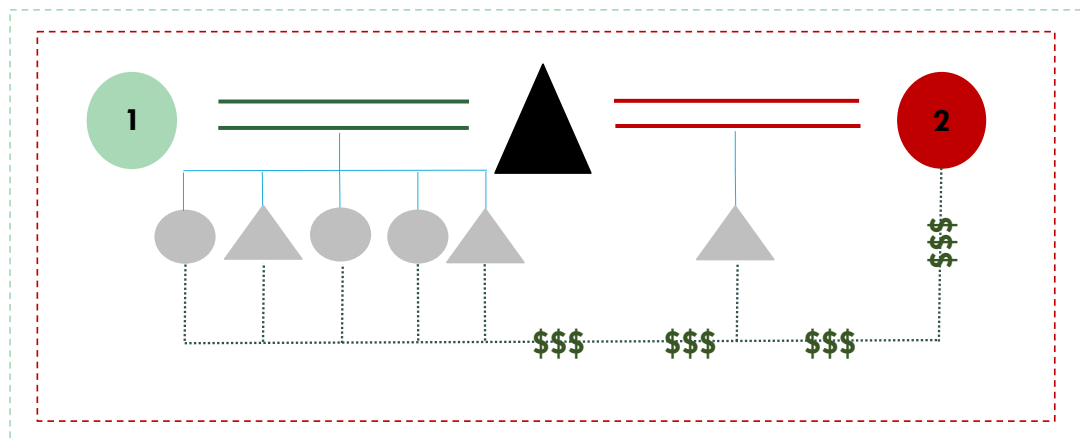


Figure 17: Second Wives as Crucial Contributors

As demonstrated in the diagram above, Karina’s stable economic position made it possible for her to contribute economically to her stepchildren. This allowed her to gain the affections and respect of her stepchildren relatively easily. Through this their mother – her senior co-wife – too was compelled to treat her with some degree of respect for being a good benefactor to her children. Karina felt it was important to establish a strong rapport with her stepchildren as she did not want to remain in the dark as their father’s “other wife” (“*bini lagi satu*”). That would only allow them to foster suspicions and misconceptions about her. Through this engagement, her stepchildren felt as if they had gained another substitute maternal figure who was not only generous with her affections and money, but also genuinely cared for their well-being. Possessing the economic upper hand in the marriage thus allowed Karina to establish a relatively secure position in the second marriage.

Other second wives I encountered were not so fortunate however, particularly those who were dependent on their husband for economic support. This other group of second wives, represented by Ros, a woman I introduced in Chapter 4, suffered much grievance not only from the irregularity of their husband's economic support, but also from the uncertainty of seeing him at all. In Ros's words: "When he wants you, he [will look for] you; when he doesn't want you, he won't look for you" ("*Bila dia nak, dia nak; tak nak, tak cari*").¹⁴⁸ In Karina's case, where she herself was the primary source of money in the marriage, the dynamics were reversed: the newcomer in the marriage superseded the established wife, perhaps not in the status hierarchy but certainly in economic status, and could claim a greater share of the husband's love and loyalty. On the other hand, the first wife was able to ensure her husband's guaranteed return to their home thanks to their children, who allowed her to possess a greater degree of leverage than Karina.

Malays have been described by Stivens (1996:200) as "pronatalist", and Karina's decision to settle as a second wife demonstrates how polygamy allowed her to kill two birds with one stone – that is, to secure both marriage and motherhood, both central to a Malay woman's full transition into adult- and womanhood (Raybeck 1974:227; Peletz 1996:304). As Zeitzen (2002:153) writes, motherhood is an essential stage in "a successful urban woman's identity construction". Karina's fear of her biological clock ticking away suggests the concern that any further delays in marriage might jeopardize her chances to become a mother.¹⁴⁹ For Karina, these expectations to give birth to a child – partly societal, as she wanted to be able to provide her ageing parents with a grandchild, and partly out of her own personal desire to, as Malays would say, "*menimang cahayamata*"¹⁵⁰ ("conceive [a] child") – was compounded by the fragile state of her health and the multifold risks in taking on a pregnancy when she was already nearing 40. Despite the risks, the birth of her son succeeded in placating her family's anxieties about her polygamy, and finally admitted her into the ranks of Malay womanhood. Her parents were particularly overjoyed at the birth of their grandchild; Malay parents often long to have

¹⁴⁸ In the following chapter, I look in greater detail at how "love" in polygamous contexts appears as a measurable sentiment commensurate with the husband's economic support.

¹⁴⁹ Indeed, her several miscarriages in the first few years of marriage and frequent consultations with the best obstetricians in Seremban indicated how seriously she sought to get pregnant after her marriage.

¹⁵⁰ "*Menimang cahayamata*" literally translates into "[to] embrace the light of one's eyes [children]".

their own grandchildren (*menimang cucu*) around the house to be their “entertainers of the heart” (“*penghibur hati*”).

Polygamy is not all about the plurality of marriage however; Saleha’s still-single status after passing the age of 40 does also beg the question of how polygamy could conversely make some Malay women averse to conjugal life. Saleha had delayed marriage up to this point because she did not want to end up with the likes of her own father; to see her mother’s fate¹⁵¹ reproduced in her sister’s marriage made her even more reluctant to settle down with a Malay man at all.¹⁵² Unlike her older sister Karina, who had always been “popular” with men and had been engaged several times before finally marrying Amin, Saleha on the other hand was less “girly” (“*gedik*”) and never really paid much attention to finding a romantic partner whom she could potentially date or marry.¹⁵³ Although Saleha had never had a sexual encounter with a man before, she was well-informed on the secrets of spousal intimacy (*keintiman suami isteri*) through her friends who were all married. This incited her curiosity greatly, though pre-conjugal sexual intimacy with simply any man was not an option she was willing to consider.

Nonetheless, a working and earning unmarried daughter with no husband or children to care for is also a highly valuable contributor of income, household help, and companionship in the family, and it is in this capacity that Saleha continued to be indispensable to her family. Also writing of Negeri Sembilan, Stivens (1996:192) suggests that despite anxieties their daughters’ postponement of marriage might induce, parents also appreciate this opportunity to retain longer control of their daughters’ income. Indeed, to have a devoted daughter who could look after them in old age is one reason why many Malay parents demonstrate a slight preference for female children

¹⁵¹ In the following chapter, I offer a detailed account of Saleha and Karina’s mother’s story as a first wife who has endured her husband’s polygamy for nearly 30 years.

¹⁵² Saleha’s father had once attempted to set her up with a divorced man (*duda*) with six children, whom he had invited over to their home for “tea”. Saleha immediately sensed her father’s matchmaking intentions, and declined – even felt insulted at – his attempt because, she claimed, she was not “desperate enough” to want to settle for simply “any man” (certainly not one who was clearly only looking for a substitute carer for his children). Her parents then ceased all future matchmaking operations, letting her *jodoh* (fate) take its course instead. However, this aggravated their concerns that her delayed marriage would lessen her chances of producing children.

¹⁵³ She confessed that she herself did not know how to play the role of the “damsel in distress” (“*perempuan gedik*”) that Malay men apparently found irresistible; on the contrary, Saleha was physically active, dressed plainly, projected a strong, assertive personality, and even worked in the male-dominated IT sector.

(Stivens 1996:201). Though Saleha welcomed the possibility of marriage¹⁵⁴, she felt it was more “morally gratifying” (“*dapat pahala lebih*”) to remain in the service of her ageing parents as the dutiful daughter than to be married to any random candidate – worse, polygamously – merely for the sake of marriage.

Polygamy thus offers access to *halal* intimacy, companionship, and motherhood for Malay women who had secured more success in their careers than in the marriage market. Nevertheless, Saleha’s case also demonstrates how some Malay women would opt for spinsterhood over marriage – especially polygamy – to a man who could not deliver their expectations of a companionate, monogamous marriage. In the next section, I consider the converse – that is, how a woman would willingly embrace polygamy (repeatedly) as a marital strategy to maximize her prospects of attaining emotional and economic security.

III. Lovers Left in Limbo

Lina was a woman in her late 30s who had a “colorful” conjugal history compared to many other Malay women: she began as a first wife in a monogamous marriage, then a second wife in a legal polygamous marriage. This was followed by a passionate romantic relationship with a rich married man who almost convinced her to elope with him to Southern Thailand to become his secret second wife, but who abandoned his intentions before this transpired. When I first met Lina, it was with the intention of learning more about a research project on Malay marriages she had just completed with a team of local scholars. Our meeting began with many formalities, but it was not long before Lina revealed to me the intimate depths of her own marital history on the basis that I was “an anthropologist”, to whom she could “tell things”.¹⁵⁵

Lina’s first marriage was to an Acehnese man she dated in university. They were blessed with four boys, but their marriage did not end well. Throughout their decade-long

¹⁵⁴ Saleha even considered joining an international Muslim dating website to look for potential “candidates” (“*mencari calon*”).

¹⁵⁵ Lina grew up in an English-speaking household, and expressed herself comfortably in English. Our interview was conducted in a mixture of English and Malay.

marriage, he had kept her, in her words, “under a spell” – quite literally. When seeking the help of an *ustaz* (traditional Islamic healer) to cure her sister of a spiritual ailment, Lina discovered that she herself had been targeted with black magic by her own husband, who had used *ilmu pengasih* (lover’s enchantment) and *ilmu penunduk* (another enchantment to make her compliant and acquiesce to his wishes). As Lina believed, it was through these *ilmu* that her husband succeeded in making her his acquiescent economic “slave” (“*hamba*”). For example, during their marriage, Lina worked as a university lecturer and not only did she economically support their four sons; she also funded her husband’s PhD while doing her own Masters part-time.¹⁵⁶

All this while, Lina did not feel there was anything unusual in her accumulating such debts for her husband. She thought “that was what wives did”. She confessed she did not realize that in “Islam”, the roles should have been reversed – he should have been economically supporting her, rather than the other way around. His spell made her feel highly complacent and compliant; there was nothing he did that was wrong, and she found herself unable to deny or defy her husband on any matter, even though her friends and family consistently attempted to make her see how she was being mistreated by her husband. Such was his spell over her that she did not think there was anything to be jealous of if he returned home with another woman, who would sleep in the same bed with them at night.¹⁵⁷

Lina would have continued to let her husband “take advantage” of her unlimited economic support had she not consulted the *ustaz* who helped her to finally retract herself from her husband’s “spell”. Lina described this awakening like waking up from a slumber (“*macam baru sedar dari tidur*”): she began to see the situation for what it was, and began questioning, “Why am I the one who is always supporting him? Why has he never contributed anything to this marriage?” This unsettling realization spurred a long, strenuous battle to separate from him legally (by applying for divorce through the Shariah Court); physically (by relocating herself and her children to another house free from his

¹⁵⁶ Lina also took an expensive loan to buy him a nice car, while she herself would use a tiny old hatchback for her and her children’s needs. She even paid for him to travel to Australia to “study English”.

¹⁵⁷ For example, when he returned home from Sydney, he brought a woman he claimed to be his “cousin”, but whom Lina later suspected could in fact have been his lover.

magical influence); and spiritually (by seeking traditional healers to free herself of his *ilmu*). Just as Lina was becoming increasingly disenchanted with her husband (signs she took to mean his *ilmu* or magic was gradually wearing off), he became physically aggressive and abusive towards her.

While her first marriage was fast disintegrating, Lina became reunited with her ex-boyfriend from high school through Facebook. She sought refuge in this renewed romance and drew much consolation during this critical period of her marital breakdown, saying to me reminiscently, “He was so caring, and it just brought back so many memories from our youthful days.” Her ex-boyfriend was married, but at this point had begun facing some marital discontents of his own: he had been married for eight years to his current wife yet they had not succeeded in producing a child, which he so desperately wanted.

Her divorce was a long and bitter battle, but through striking an unbeatable bargain with her ex-husband (by supporting his application for Malaysian citizenship in exchange for her freedom)¹⁵⁸, Lina finally got him to make a proclamation of *talak* in court. This offered her an opportunity to marry her ex-boyfriend, whose first wife had permitted him to remarry as she had not been able to conceive a child. They married legally in Malaysia, but in secret. Despite the lack of warm responses from some friends and family to her second union¹⁵⁹, she said that the brief two years she was married to him were quite possibly, in her exact words, “the best of her life”: “Nurul,” she said to me, “when your spouse is your best friend, everything is good – the intellectual exchange is good, the sex is good.” There was one problem however: she was still the primary breadwinner of the family, supporting four boys (and with another child on the way) and paying off a mountain of debt from her previous marriage. As a university lecturer, she was earning much more than her second husband, who was working as a quality control officer at a factory in Selangor, and she naturally slipped back into the role of the primary breadwinner of the family. Lina had married for love this time, but found herself struggling and frustrated at the unremitting financial burden she continued to shoulder.

¹⁵⁸ According to Lina, the arrival of the letter conferring citizenship during their divorce proceedings was nothing short of miraculous, as they had been fighting for his citizenship for years.

¹⁵⁹ Her friends and colleagues were displeased that she had remarried as a second wife, after all their research and discussions about a shared ideological rejection of polygamy.

Sometime during the brief two years she was married to her second husband, she crossed paths with another old flame, again through Facebook – this time, her ex-boyfriend from university who was now a successful doctor with his own private practice and reportedly a multi-millionaire (*jutawan*). He was also married, with four grown children. “The Doctor”, as he came to be known during our conversations, soon began showing deeply intense romantic (and sexual) attraction towards her and “promised [her] the moon and the stars”: he pledged to pay off her debts, send money for her children, take her on vacations overseas, and even called her up once to ask if he should send her brand-new BMW to Kuala Lumpur or the north (where she was lecturing then). She had to tell him, “*Tunggu dulu* [Wait first]! I’m still married to my husband!” As both Lina and The Doctor were both married to their respective spouses, their extra-marital romance was largely revived remotely through Facebook, WhatsApp, clandestine phone calls and text messages away from prying eyes. Their passionate relationship did culminate in one fateful sexual encounter at a hotel. Around this time, The Doctor expressed his serious intention to take Lina as his lawfully-wedded second wife. To this end, he urged her to divorce her current husband.

At this point, Lina was finishing her PhD and pregnant with her fifth son. Her husband and his first wife were ecstatic to be expecting “their” first child: Lina had confessed to her husband that she intended to leave him for another man, and though greatly upset, Lina’s husband was placated by her promise that he and his first wife could keep their child when it was born. Lina’s mother, however, thought she had positively lost her mind – for wanting to leave both her husband and (yet unborn) child behind and for wanting to pursue another married man. She eventually managed to convince Lina to keep her fifth son. Amidst all this commotion, The Doctor proceeded to pay for the best lawyer in the state to handle her divorce proceedings. Although this would be her second divorce in a rather short period of time, her upcoming separation was cushioned by the consolation that she would soon move from the arms of a poor man to those of a much wealthier one.

Or so she thought. After her divorce, The Doctor went on a pilgrimage to Makkah, Saudi Arabia, and upon returning, started to “change his tune”. Whereas previously he had vowed that he would marry her the honorable (legal) way, he now began orchestrating elaborate fantasies of an elopement with her to Southern Thailand or even England.

Whatever the destination, he said her family was not welcomed to share in the knowledge – and celebration – of their impending union. This worried Lina greatly as her hopes of remarriage were clearly held on the line – even worse, she had abandoned an emotionally fulfilling (but financially disappointing) marriage to be with this man. Lina did seriously consider being his secret second wife, but she was warned by a friend who was acquainted with The Doctor’s first wife: “She’s not the *hunny-bunny* kind of *madu*¹⁶⁰ [co-wife]; you do not want to mess with her.”

This warning gave Lina a hunch that The Doctor was possibly reconsidering his intentions for polygamy because his first wife, perhaps suspecting something, was beginning to “tighten her grip on him” – through magical means or otherwise. One common way of doing so would be to get a *bomoh* (sorcerer) to “close the doors of his heart” (“*tutup pintu hati dia*”) to other women.¹⁶¹ This was especially likely considering that for a man of his social standing – a respectable doctor who was heavily involved in the charitable works of his community, with a well-known spouse of equal standing – open polygamy might significantly damage not only his reputation in society, but also his first wife’s good name.

At the time of our conversation, Lina was clearly exasperated by the stagnant state of their passionate love: having come to the realization that The Doctor was perhaps never that serious about fulfilling his end of the bargain, even after she had abandoned her marriage for his sake, she resolved to withdraw herself entirely from the relationship. Although she attempted to leave him on numerous occasions, she was always drawn back by his cajoling words. Yet when he refused to treat her with the respect she felt she deserved by not wanting to marry her the honorable way, her frustrations returned. Despite all the emotional turmoil, judging by the intensity of their intellectual, emotional, and sexual bond, Lina truly felt that The Doctor was her “soulmate”. Due to the circumstances however, she came to gradually accept that perhaps they were not meant to be “*jodoh*” in the conjugal sense.

¹⁶⁰ *Madu*, (literally meaning “honey”) is the Malay term for co-wife, a tongue-in-cheek reference to the toxic relationship between co-wives in actuality.

¹⁶¹ The next chapter deals with sorcery in polygamy in greater depth.

Lina and The Doctor had developed their romance remotely through Facebook, texting, and phone calls. This was the safest road to romance for my Malay informants, for physical encounters that occurred too often would alert an inquisitive and prying public and their immediate circle to the presence of a potentially illicit love affair between an unmarried (or, in Lina's case, already married) woman and a married man. Their digital and telephonic communications could be heavily imbued with passion – of the sentimental and carnal kind – such as in the manner Lina confessed that sometimes The Doctor would convey his overwhelming sexual desires for her through text messages (in what she called “sexting”). While sexting is potentially illicit as it is intended to arouse the recipient's sexual desires too, many couples found themselves able to regard it as a more “pardonable” moral offence on the “sin” spectrum. In fact, as long as these desires remained confined to text messages and clandestine calls and were not physically consummated in the act of sexual intercourse (*zina*), the limits of permissibility for intimacy seemed to remain fluid and highly negotiable. Distance allowed a productive exchange of amorous sentiments and emotional attachments to form between the two lovers without a physical encounter ever occurring. Thus, romances mediated from a distance through various media platforms contributed towards shaping more porous boundaries of permissibility for the fulfillment of Malay (sexual) desire. For many couples, it was when their passionate state of affairs escalated to the point where they risked committing adultery that marriage was urgently sought. If bureaucracy could impede access to *halal* intimacy, a quick cross-border marriage in Thailand was an equally acceptable alternative. Had Lina not resisted The Doctor's suggestions for elopement, this might have been her fate too.

Lina's story is a demonstration of a pre- (and for the man, extra-) marital courtship that may become a precursor to a cross-border elopement to Thailand in pursuit of “*halal*” intimacy. As a married woman in an extra-marital relationship herself, Lina destabilizes the prevalent perception that polygamy is a predominantly male pursuit that only caters to Malay men's needs for post-marital love. On the contrary, Lina's case highlights that Malay wives too may feel compelled to seek extra-marital romantic pursuits if they feel that their sexual and economic rights remain unfulfilled by their husbands. Women's pursuit of extra-marital affairs is in fact well-documented in the anthropological literature. In Northern Ghana, the extended absence of husbands from the village due to employment elsewhere compels many Dagara wives to engage in extra-marital affairs of their own for

alternative avenues for sexual fulfillment (Lobnibe 2005).¹⁶² In this manner, these “wayward” wives challenge their husband’s exclusive right to their sexuality by engaging with other men sexually, thus undermining the “husband-as-provider” subject position defended by men. This is the unsatisfied wives’ way of “being in charge, in control” by asserting their own economic independence (Cornwall 2002:974). Extra-marital affairs for these women are therefore not necessarily about men or money, but about power: illicit engagements offer women an alternative avenue to fulfill their sexual and economic needs in a manner that challenges the existing status quo which expects women to remain docile, content, and asexual subjects of male authority. Lina’s engagement in rekindling her romance with past lovers while still married to her first and second husband demonstrates a similar rebellion against the economic and emotional burden she felt burdened with. Divorce and subsequent remarriage in polygamy was her way of fulfilling what she lacked in her previous monogamous unions: affective and financial fulfillment.

Lina also appeared as an economically powerful agent *vis-à-vis* her two husbands by earning more than they did, which allowed her to leave both marriages when they failed to give her security – the first, in both the economic and emotional sense, and the second, in a strictly financial sense. Not many Malay women I knew during fieldwork were able to act on their desire to leave an unhappy marriage due to various economic constraints, particularly due to their financial dependence on their husbands. Lina was the exact opposite: she was willing to sacrifice her existing marriage just so she would be able to secure some sense of economic security from The Doctor.¹⁶³ However, placing her hopes of financial salvation on The Doctor proved to be a major miscalculation on her part. This left her with many unfulfilled expectations, especially when he began to withdraw his affections and promises of deliverance from her debts. Although disappointed by her hopes for economic salvation that failed to come to fruition, her financial independence proved to be indispensable in her recuperation from her second divorce.

¹⁶² Similarly, Nigerian women, frustrated by their husband’s economic impotence and pressured by the need to support their children, are able to secure financial salvation through contracting illicit affairs (Cornwall 2002:971).

¹⁶³ In fact, Lina confessed that she would feel relieved to be able to transfer all her financial responsibilities to a man – the rightful provider of the family – tired as she was of shouldering the economic demands of supporting one marriage after another.

Lina rationalized The Doctor's withdrawal as his potential loss of romantic interest in her after he had succeeded in "getting the goods" ("*dah dapat apa yang dia nak*"). In other words, after the (premature) consummation of their relationship during their clandestine sexual encounter at the hotel, Lina felt there was perhaps nothing left for him to pursue. During our discussions, Lina appeared deeply regretful and repentant for allowing herself to be seduced by The Doctor to the point of committing this sexual indiscretion. Considering Malays' deep-held reservations towards adultery, such transgressions would normally be carefully concealed from the public gaze – if they ever happened at all. Lina was thus extremely unusual both in portraying herself to me as a sexually desiring individual and in exposing her history of having had illicit sexual liaisons with a married man. By contrast, other women and couples I interviewed in the course of this research on cross-border marriages (which typically evolved from extra-marital affairs) were reluctant to discuss the sexual motive in their relationship. They instead preferred to demonize first wives and blame "bureaucracy" rather than admitting their passions as being the primary reason for their elopement. Lina's decision to confide in me reflected her assurance in the supposed impartiality and neutrality of the researcher and "anthropologist", with whom she believed she could discuss the highly convoluted course of her marital and courtship history without fear of being disparaged. This in itself is telling of how Lina was aware that her past marital decisions and pursuits of married men (*suami orang*) would, to other Malay women, seem highly scandalous, morally questionable, and would leave her vulnerable to criticism.

When we parted ways, Lina was adamant about making amends for her past. She was at this time in the process of taking up a form of Malay martial arts known as *silat* to fortify her spiritual and moral defenses against any further romantic advancements from The Doctor, which she felt had led her astray from her path of being a good wife, mother, and Muslim. By rebuilding a strong spiritual foundation, she hoped to cultivate a sense of self-sufficiency, and to be able to welcome her next *jodoh* (match) when it came to her, instead of continuously seeking it, to no avail.

IV. Whither Love? (Or Love Withering?)

“The heart has not sufficient place
To hold two sweets in one embrace.”
– *The Ring of the Dove*, Ibn Hazm (994-1064)¹⁶⁴

Among my many female Malay interlocutors throughout Malaysia, I was frequently confronted with strong conceptions of polygamy as a “patriarchal” institution, as an unjust (*tidak adil*) form of marriage in which manipulative men subjugated women through deceit and deception, leaving them and their children destitute. However, in expressing such views these women severely underestimated the influence their own womenfolk wielded in Malay polygamous arrangements, either in embracing polygamy as an opportunity to secure companionship, motherhood, and economic advancement, or in defying this institution through subtle emotional withdrawal or outright demands for divorce.

At the heart of most polygamous pursuits I encountered was the search for love, more elusive for some women than for others. In explaining the delicate nature of Malay intimacy in Chapter 2, I have illustrated how such amorous sentiments must necessarily be harnessed and channeled towards marriage to avoid its unlawful and sinful consummation, punishable in this world (by the Islamic Bureaucracy) and the next (by God). By offering various possibilities for post-marital love, polygamy becomes an institution where such potentially transgressive loves can be redirected for its lawful realization within marriage. In this sense, women on the lookout for love find that marriage – specifically, a man’s already-married status – is no obstacle to exploring various romantic and intimate possibilities, for a married man is by all means still marriageable. Consider Karina’s case: even though the first wife changed her mind at the last minute by withdrawing her application for divorce, Karina and Amin were still able to marry by resorting to a cross-border marriage in Southern Thailand. By contrast, it is men who disadvantage their fellow male competitors in the marriage market by claiming more available women than they require (and usually, as I have shown, can afford to maintain). This is because without any possibility of the institutionalization of polyandry,

¹⁶⁴ Ibn Hazm was a notable 11th century Muslim Andalusian scholar whose treatise on love, *The Ring of the Dove* (published ca. 1022), was in its time an influential work on love.

married women, unlike men, are off the marriage market – until they are fully divorced from their husbands.¹⁶⁵

Polygamy does not just offer men the possibility of post-marital love; Lina, for example, demonstrates how women too employ polygamy as an “exit strategy” in pursuit of alternative loves and marital betterment. Twice, she had struck up a strong romantic relationship with two men consecutively (both married), with the aim of seeking some form of security that her current marriage failed to deliver. Nonetheless, what is striking in Lina’s case is that despite being faced with the prospect of the slightly lower rank and unflattering status of a second wife, she considered this a price worth paying for a union to a rich and respectable man. Her decision to swiftly move from one marriage to another would be considered bold by Malay women in the metropolitan regions of Malaysia, but there would be less concern for Kelantanese women, many of whom divorce and remarry multiple times during their lives.¹⁶⁶

Yet the presence of this new love is often seen as an invasion of the established union. A principal reason some polygamous arrangements such as Mak Zah’s are unstable is that the husband’s polygamy is experienced as a breach of trust and love (thought to exist) between the spouses that severely compromises the companionate care model idealized in most Malay marriages. Pak Yazid’s remarriage was a “betrayal” (as Mak Zah put it) that contravened the exclusivity (implicitly) agreed upon when the marriage was contracted. Pak Yazid’s diverted time, attention, and economic and emotional resources no longer allowed him to be fully committed to his first marriage, now that he had two to juggle. Mak Zah no longer felt that her husband was fully engaged in the joint project of maintaining their family together – she even said her husband’s remarriage was the cause of their son’s mental illness. Indeed, many first wives I encountered expressed deep frustrations about their husband’s withdrawal from his paternal responsibilities following his remarriage, leaving them in charge of rearing their children alone “as if [they] had no husband” (“*macam tiada suami*”). Polygamy makes it difficult to continue the marriage as a mutually fulfilling emotional partnership and as a shared project founded on

¹⁶⁵ The Doctor, for instance, had to withhold his intentions to marry Lina until her divorce proceedings were finalized, yet this delay, as we discovered, torpedoed their relationship entirely.

¹⁶⁶ Kelantan, as discussed previously, has historically held high divorce rates in the 1950s, which have decreased significantly since (Raybeck 1974:208; Dommaraju & Jones 2011:726).

reciprocal rights, roles, and responsibilities, as enjoined by Islam, *adat*, and even the State.

For this reason, the first wife never embraces the arrival of a co-wife with open arms. Usually not long after the marriage she finds herself superseded by her rival co-wife, who is usually younger, more sexually appealing, and thus the husband's new preferred sexual partner – recall Mak Zah's feelings of hurt, betrayal, and insecurities upon discovering her husband's polygamy, which she felt had been contracted to supplement any of her own "deficiencies" ("*kekurangan*") as a wife. This confirms Esther Goody's (1973:158) observation that "where a second wife joins a domestic unit which has for many years been based on monogamous marriage", the polygamous union may have a "directly disruptive influence". However, when the second wife is seen to contribute valuable economic, social, and cultural capital into the marriage, this indirectly benefits the first wife too through her children. In this way, first wives may resolve to swallow their discontent and retain their premier position in the polygamous arrangement. In such polygamous marriages (as in the case of Mak Zah and Amin's first wife), divorce may be a less desirable option, and would in fact jeopardize the first wife and her children's access to the husband-father's continued economic support and moral presence.¹⁶⁷

For Malay women, marriage and motherhood come hand in hand: there is simply no other socially acceptable way to be a mother without first being married.¹⁶⁸ Polygamy thus provides a safe avenue for a Malay woman's initiation into the joys of motherhood and to her recognition as a full adult. On the other hand, Malay "pronatalist" (Stevens 1996:200) pressures and restrictions on becoming a mother highlight how, for some women, access to motherhood comes at the cost of their own expectations of monogamy and marital stability. To fulfill societal expectations of being a mother, some compromise is necessary: a woman may either settle for polygamy for a chance at motherhood, as

¹⁶⁷ Here I use the term "moral presence" rather than "moral support" because the husband-father may continue to feature in family life (albeit minimally), but preoccupied by his new marriage (and possible stepchildren), he may cease to enforce his paternal authority in disciplining or getting involved in the daily affairs of his children. Alternatively, the father's abrupt remarriage may cause a loss of respect (*hormat*) in his children for him, rendering his paternal authority ineffective.

¹⁶⁸ This perhaps accounts for the increasing rate of abandoned newborn babies in Malaysia today, many of whom are born to young unmarried women beyond the confines of conjugality, and are considered abject beings with no place in Malay society (Razali et al. 2014:1718).

Karina had done, or wait (indefinitely) for an opportunity at monogamy, possibly letting the peak of her reproductive years pass by. Although polygamy represents an opportunity for the realization of women's maternal desires, it also illuminates how *adat* and Islamic sanctions on pre- and extra-marital intimacy hold motherhood hostage to marriage.

As I have shown in this chapter, polygamy brings to the fore the many structural and emotional complexities of marriage, particularly when two marriages attempt to co-exist – or rather, compete – with one another. I have demonstrated how romantic love in polygamy appears as finite in nature, as one wife (the second) often earns the husband's love at the expense of the other (usually the first). The end of intimacy (in both the physical and emotional sense) does not immediately spell the end of the marriage however, as Mak Zah and Mak Cik (Karina's mother featured in the next chapter) both endured their husband's polygamy for decades after it had been painfully exposed. Nonetheless, the love, trust, spousal intimacy, and conjugal companionship established between the husband and wife have been long lost in that initial moment of polygamous revelation, and since then never regained. In the following chapter, I delve deeper into the complexities of romantic love, sexual jealousy, sorcery and the notion of *nafkah batin* (immaterial and emotional support) in polygamy to show even more conjugal challenges in polygamy.

Chapter 7: The Unhappy Polygamist

One would imagine that husbands are the biggest winners in Malay polygamous marriages – with the abundance of love, sexual attention, and companionship from two (or more) wives at their disposal, their level of marital satisfaction must surely far exceed that of their monogamous counterparts. What I discovered instead, however, were confessions of remorse and regret from polygamous husbands who admitted that their polygamy had brought more unanticipated difficulties and distress to them than either happiness or pleasure. Whether these husbands had been polygamous for two or twenty years, the take-home lesson they shared with me from their turbulent unions were the same: polygamy is hard, and certainly not for the faint-hearted.

This chapter is about unhappy polygamists and even unhappier wives in polygamy. My interviews with polygamists and their second wives repeatedly confirmed that love and sexual attraction formed a fundamental feature of their pursuit of polygamy – whether contracted across the border in contravention of Malaysian Shariah Laws, or in-state with the blessing of the Malaysian authorities. However, as I demonstrate here, love alone is barely sufficient to sustain a marriage, particularly when there are two marriages co-existing – or rather, *competing* – with each other simultaneously. The paradox these couples subsequently face is that the very same conjugal bond which safeguards them from sin and brings permissible sexual pleasures also makes the marriage even more unpredictable by introducing co-wife competition for the husband's economic and affective resources.

Whenever I present my research to a non-Malay audience and explain that Malay men do indulge in post-marital love by taking covert second wives, I am frequently accosted with the question, “Isn't polygamy like having a *legal* [extra-marital] affair?” The situation, I always respond, is not so simple. At the outset, Malay polygamy's lack of social visibility and recognition does leave it vulnerable to such misinterpretations. This ambivalent nature of Malay polygamy is rendered even more complicated by the irreconcilable contradiction between its legal and social status: if it is legally sanctioned, then why do most couples feel the need to not only conceal, but also to protect it from the public? If it is accepted in the eyes of God, then why is its social status contested? A closer look at

the constitution of Malay polygamy reveals that these unions are essentially still founded on the expectations, rights and responsibilities of a marriage as prescribed by Malay *adat* (cultures and traditions) and Islam. For example, Malay polygamous wives have recourse to legal protection from the Malaysian State should their husband fail to perform the husbandly duties expected of him – a privilege not granted to mistresses. This distinguishes polygamy from extra-marital affairs.

Polygamy and its illicit counterpart – extra-marital affairs – have always existed in close quarters with one another, such that one might thrive in the legal, social, or moral repression of the other (Meekers & Franklin 1995:318). Many of my Malay informants fervently held that however destructive polygamy might be to the family and marital institution, it is still the morally preferable option to having illicit extra-marital affairs (*hubungan sulit*) in which the unmarried couple will most likely be tempted to commit adultery (*zina*). Polygamy is therefore upheld as a religiously-sanctioned institution that attempts to address this morally precarious possibility of the husband seeking alternative sources of sexual pleasure beyond the conjugal bed. Malays are not exceptional in this case; polygamy is also favored for the sexual privileges it offers Yakö (Forde 1975:290), Logoli (Gwako 1998:337), and Beninois men (Falen 2008:61), particularly if postpartum abstinence is strictly observed in these societies (Roth & Kurup 1990:380).

In Africa on the other hand, where increasing missionary efforts have heavily condemned polygamy as “un-Christian” and “primitive” (Gwako 1998:341; Agadjanian & Ezech 2000:435; Falen 2008:53), men may remain “committed” to the institution of monogamy while still engaging in extra-marital affairs on the side. Existing anthropological work exploring extra-marital intimacies explicitly sources the prevalence of such relationships in an excess of (usually male) sexual desire. Cornwall (2002:966), for example, notes that in Nigeria, due to “the very insatiability of male sexual desire”, men are “expected” to have extra-marital affairs, particularly if they have only one wife. Nigerian and Tanzanian men’s tendency to engage in extra-marital affairs is also a socially accepted “public secret”, acknowledged even by the wives themselves (Barrett 1982; Smith 2001, 2002, 2010; Cornwall 2002; Haram 2005). In fact, men are rewarded with prestige and earn the esteem of their male peers for acquiring young lovers (Smith 2001:146; Haram 2005:62). Such extra-marital sexual liaisons risk little interference or moral reproach from the wider society, provided that the husband (and his mistress) respect the three cardinal rules of

infidelity: first, the husband must be discreet and not attempt to flaunt his affair(s) to his wife; second, he must not provoke the wife to confront his infidelity directly; and third, the husband must not allow his extra-marital affairs to intrude on his obligations to his wife and children (Smith 2001:141; Haram 2005:66).¹⁶⁹ Although a husband's extra-marital affairs may cause a strain in the conjugal relationship and jeopardize its stability, it is rarely to the point of divorce; there is a tacit understanding that the young lovers will not encroach on the wife's territory by threatening to expose the affair to the wife, or expect the man to divorce his wife for her (Smith 2002). In this case, the mistress's position, while socially accepted, is still clear: she is inferior to the wife, and can never aspire to either replace or oust her.

Most of the polygamous marriages I encountered in Malaysia did originate as "extra-marital affairs" ("*hubungan sulit*"), in which the husband engaged an unmarried woman in a romantic relationship while still maintaining his existing marriage. Whether adultery as defined by Jack Goody (1956:286) – "Voluntary sexual intercourse of a married person with one of the opposite sex, married (double adultery) or not (single adultery)" – has occurred prior to the contraction of the marriage is difficult to tell, as open admission of adultery is highly stigmatized in Malay society.¹⁷⁰ Nonetheless, my Malay informants expressed significant concern about the temptation of committing this highly condemned transgression, particularly with the Islamic Bureaucracy's Moral Police Unit (MPU) constantly on high alert. Such anxieties are manifested in their self-professed fear of "committing sin" ("*takut buat dosa*"), or simply in the more cryptic, "anything can happen" (twice said to me by two different couples, both in English). Thus, as passions escalate, the relationship is (often hastily) channeled towards marriage to render such illicit sentiments "*halal*" ("permissible") for fear of committing adultery (*zina*), considered a big sin (*dosa*) in Islam. As soon as a marriage is contracted, all the proper rights and responsibilities are conferred upon each spouse – the wife is, for example, entitled to demand economic support from her husband, just as he has now gained lawful access to her sexual and reproductive rights (and *vice versa*). Polygamy is therefore not

¹⁶⁹ Similar rules of the game are expected of the Warlpiri in Australia engaging in extra-marital affairs as well (Musharbash 2010:279).

¹⁷⁰ One might risk castigation not necessarily because one has committed the sin of *zina*, but because this public admission would be mistaken for unrepentant pride for having sinned against God.

extra-marital, but rather *multimarital*. Upon taking the woman as his second wife, the husband is now obligated by Islam to accord equal rights to both wives, regardless of the social acceptability of the marriage.

Claims reducing Malay polygamy to a mere “affair” would only gloss over the emotional, legal, and logistical complexities of these polygamous unions. Nor would this do justice to the experiences of second or subsequent wives seeking polygamy for the conjugal privileges it offers – for example, as a means of securing access to motherhood, companionship, or sexual intimacy, which Malay women can achieve *only* through (or within) marriage. Thus, even if these polygamous unions may initially transpire in covert ways that give them the appearance of “legal affairs”, this is usually for logistical rather than moral reasons. Public exposure of the polygamous union may jeopardize its stability and its very existence; this is why it is at times necessary for the relationship to remain, at least in form, as an “extra-marital entanglement” (with all the connotations of stealth and secrecy). This does not undermine its legal and religious status as a marriage, though if we were to follow Lang and Smart (2002:559), its lack of social recognition may make it, at best, “*de facto*” polygamy.

While polygamy grants equal rights to all wives, such ideals are enacted rather differently on the ground. Unlike Nigerian men’s extra-marital affairs described above in which, according to Smith (2001:143), “Married women actually have rights that few men and few of their lovers dare to threaten”, subsequent wives in Malay polygamy are entitled to demand of the husband what he gives to his other wives, thus directly threatening the first wife’s original position as the sole benefactor of the husband’s economic and emotional resources. It therefore seemed rather ironic to some of my Malay informants that polygamy, though supposedly morally superior to extra-marital affairs, can actually jeopardize the institution of marriage itself such as when the husband is unable to be “fair” (*adil*) in fulfilling his wife’s rights.

This then becomes the central premise of this chapter: once these affairs become marriages, and the couple may finally dispel all moral concerns of sin, how are such polygamous unions actually sustained in day-to-day life? My primary aim here is to examine the physical and emotional labor, and the deceit and discretion invested in maintaining polygamous unions, on the part of both the husbands and the wives. Through

this, I seek to illustrate the process of marriage-making for polygamous unions, which is often experienced as a disruptive project that involves the reconfiguration of *both* marriages. I begin this chapter by exploring the salience of sexual desire in men's motives for pursuing polygamy, then suggest that for some polygamists, the difficulties of doing justice between wives makes polygamy highly undesirable as a lifestyle choice. I then discuss the Malay preference for multilocality in polygamy and the physical, financial, and temporal demands of sustaining multiple marriages in different locations. Next, I examine affect and economics to understand how inextricably bound up polygamous love is with the everyday demands of marriage, such that "love" is always discussed by my informants in visible, measurable terms. Love in polygamy is thus not only in and of itself a resource expected to be distributed "equally" between the husband's wives and families but, in its measurement and examination, it also becomes a visible measure of inequality. Finally, I consider how competition between co-wives over the monopoly of the husband's economic and emotional resources can lead to intense experiences of sexual jealousy and the use of sorcery, thus culminating in an almost complete breakdown of intimacy.

I. Lust

In discussions of Malay polygamy, the boundaries between love and lust are porous, even collapsible. Malay men may make declarations of "love" (*cinta* or *sayang*) to justify their polygamy, but this is often popularly understood to be nothing more than "lust" (*nafsu*); a smokescreen that renders their carnal desires more palatable to the public eye. Malay polygamists I met claimed that they "love[d] both [wives]" ("*dua-dua sayang*"). Yet such a statement always invited a heavy sense of cynicism from the Malay women I encountered, who would scoff and say, "*Ya lah tu!*" ("Yeah right!"), clearly unconvinced. Kelantanese women would respond to male pursuits of polygamy with two words, spoken with masked derision and some degree of sarcasm: "*Galok jate*" (roughly translatable as "Men misbehave"). This is a uniquely Kelantanese expression that carries women's displeasure of men's wayward and lascivious nature and (somewhat excessive) carnal desire that drives them to do "crazy things" ("*kerja gila*") such as a man marrying a divorcée with five children when he already had four children of his own to feed. For

Kelantanese women – and, I would argue, Malay women in general – men’s motives in polygamy necessarily include some carnal considerations.

That the male right to polygamy has historically been jealously defended by Malay men of all educational, socio-economic, and religious backgrounds as a legitimate sexual outlet is well-documented in the anthropological literature (Firth 1966:55; Strange 1981:148; Banks 1983:99; Jones 1994:279; Stivens 1996:194; Zeitzen 2002:186; Frisk 2009:165). There are also sections of the Malaysian *ulama* today who publicly advocate polygamy in the name of directing men’s “adulterous [...] nature” away from the temptation to pursue extra-marital affairs and prostitution (Ong 2006:40). However, my observations of *khalwat* (illegal proximity) criminal cases in Kota Bharu’s Shariah Court suggest that being polygamous does not necessarily curb men from seeking extra-marital sources of sexual pleasure. One case I encountered in the court concerned the trial of a schoolteacher in his 50s who was caught by the MPU in a hotel room with a married woman (also a mother of three children). She was not the only one who was married; the male defendant (the schoolteacher) was at the time of trial a husband to two wives, and had just married the female defendant as his third in Southern Thailand¹⁷¹ after they had been caught *berkhalwat*. The discovery of his bigamous status appalled the judge. His horror was further compounded on learning of the male defendant’s profession as an educator and civil servant, who should ideally demonstrate a good example (“*tunjuk contoh baik*”) to the public rather than engage in extra-marital liaisons. The judge threatened to report the male defendant’s misconduct to the Ministry of Education (which could result in a suspension of employment), and denied his appeal for a lighter fine. This case suggests that the predominating justification for polygamy as a bulwark against extra-marital sexual liaisons holds little validity if polygamous men are caught red-handed in sexually inappropriate and morally compromising situations. Contrary to the dominant rhetoric in *adat* which held that men were in fuller possession of *akal* (mind and reason) than women and more resistant to passion, their polygamous tendencies suggested otherwise. As Frisk (2009:172) argues, in marriage and relationships, men were in fact “the weaker sex, more prone to giving in to *nafsu*”.

¹⁷¹ The female defendant claimed in court that she was divorced from her husband after she was caught *berkhalwat* with the male defendant, which allowed her to marry him afterwards.

Men are not the only ones to pursue polygamy for legitimate sexual liaisons however; in the previous chapter, I have shown how Lina, an almost-second wife, complicates this picture by seeking polygamy as a means of indulging in her own pursuits of post-marital love. Thus, women too may be sexually desirous subjects with their own agential capacity to redirect their own sexuality to another suitor if they find their husband unsatisfactory in certain respects.¹⁷² Nonetheless, this rhetoric of the insatiability of sexual desire that continues to dominate public discourse is still predominantly male-centric. This also surfaced recurrently in my own encounters with Malay polygamists, whose undisguised desire for sexual variety necessitated polygamy as a religiously legitimate avenue for its lawful consummation.

During the first few days of my research in Kota Bharu, Kelantan, I was introduced by a family friend to a wealthy Kelantanese businessman in his early 40s, Ahmad. At the time of our meeting Ahmad was monogamous, but had recently been married to three women at one time. Although Ahmad was wealthy (*berduit*, literally meaning “moneyed”) and would have been legally eligible for polygamy anyway, he contracted his subsequent marriages in Pattani, Southern Thailand and never validated or registered both in Malaysia because he could not be bothered with “bureaucracy”. His first wife was kept fully informed of his intentions concerning polygamy and had initially protested, but he took no notice. In Ahmad’s mind, he had already kept her and their children well-provided for by letting her run his hostel business so she had no right to obstruct him. Ahmad noted that after a while she appeared almost apathetic to his plans for remarriage, as long as her own livelihood (their jointly-run business) and her children’s economic standing were not threatened by his polygamy.

Barely twenty minutes into our interview, Ahmad declared that his reasons for pursuing polygamy was simply because he had an insatiable sexual appetite. He craved sex – more of it, and with different women. His first wife was beginning to neglect the upkeep of her physique – or, in his own words in English, her “*body shape*”. This precipitated his gradual loss of desire for her, and was the beginning of his quest – with the help of his

¹⁷² Lina is perhaps a truly exceptional case however. Her freedom to leave one marriage to pursue another (as a secret second wife) to a man she was romantically involved with was undoubtedly made possible by her secure and independent economic status – not a privilege the average Malay woman possesses.

friends – to find a sexually attractive woman he could wed. His comparatively wealthy status by Kelantanese standards meant that this was not at all difficult to accomplish. Ahmad confessed that he did not look for much in his second and third marriages beyond sexual fulfillment (“*kepuase*”, or *kepuasan*), and later divorced his second and third wives after less than two years of marriage because he was stifled by too much interference from his wives’ families in their marriage. At the end of our interview, Ahmad maintained that he was “still looking” (“*masih mencari*”) for a woman to be his second wife and was fully receptive to the possibility and pleasures of polygamy in the future.

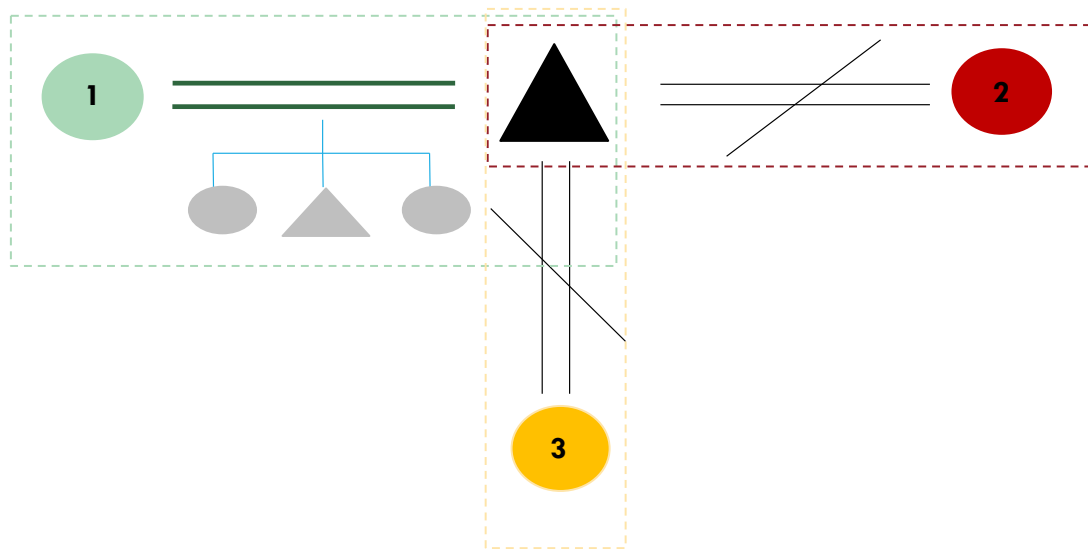


Figure 18: Serial Polygamy

Ahmad is representative of a particular group of Malay men who do not pursue polygamy with the intention of building long-lasting marriages. To the contrary, they marry additional wives for sexual pleasure. As represented in the diagram above, the first wife and her children – their “primary” family – remain untouched, even if their subsequent marriages may quickly end in divorce. This type of polygamy is also a typical representation of Malay urban polygamy explored by Zeitzen (2002, 2008), in which the Malay elite engage in multiple marriages as a legitimate sexual outlet and an “act of conspicuous consumption” that showcases their urban, elite, and moneyed status.

Compared to Ahmad, other Malay polygamous husbands I met were markedly shyer and more reserved when it came to justifying their polygamous intentions within the context of desire, preferring to frame them instead as feelings of “love” (as both or either the companionate *sayang* or the more passionate *cinta*) or in asexual, benevolent terms (“to help widows”, or “*nak tolong janda*”). This, as suggested in Chapter 2, is perhaps a reflection of Malay reservations in expressing affection in public, which is carefully concealed or minimized so as not to incite desire and envy in others. Nonetheless, Ahmad’s confession of desire is significant here because it reinforces Malay conceptualizations of conjugality as a means of securing access to “*halal*” (permissible) intimacy, in which the timely circumvention of sin is achieved by channeling otherwise illicit sexual desires into marriage. By insulating their polygamy against possible accusations of adultery through evoking polygamy’s legitimacy in Islam, men therefore both affirm the superiority of God’s moral edicts to those of the Malaysian State and defend their position as God-fearing subjects. While this may well absolve them of any guilt, in the following section I suggest that polygamy is not all pleasure and desire. This “honeymoon phase”, as one informant called it, does not last indefinitely.

II. Confessions of an Unhappy Polygamist

Malays have a classic proverb – “*Ingatkan panas hingga ke petang, rupa-rupanya hujan di tengahari*” – which translates into, “[One] was expecting sunny weather till the afternoon, but it [suddenly] rained at mid-day”. This is often evoked in situations which take a sudden depressing turn after a promising (or “sunny”) beginning, much like the way many Malay polygamous marriages begin on promises of permissible love, but soon become barely sustainable once the demanding realities of marriage arise.

One polygamist who encountered “sudden rain” rather early in his polygamous marriage was Pak Yazid, first introduced in the previous chapter. Pak Yazid married his first cousin ten years his junior after he had been married to his wife, Mak Zah, for nearly two decades. Fully retired, in his early 70s, and polygamous for 24 years at the time of our interview, Pak Yazid had survived the emotionally tempestuous early days of polygamy, which did not reach a stable plateau until relatively recently. As illustrated by Mak Zah’s

story, Pak Yazid's polygamy had severely jeopardized his first marriage as she struggled to accept the drastic change in her marital – and financial – situation. In recent years however, both Mak Zah and Pak Yazid had settled into a state of negotiated *détente* – that is to say, Mak Zah was not entirely willing to forget and leave behind the pain his remarriage had caused her but nor would he agree to divorce any of his wives. Their only option seemed to be to grow old together.

Pak Yazid's dissatisfaction with his polygamy was expressed to me over a lunch of *mee hoon sup* (vermicelli noodles in beef or chicken broth) at the house of his daughter-in-law, Karina. When asked to comment on his experience of polygamy, Pak Yazid summarized it all in one sentence: "Not a good situation to be in."¹⁷³ Pak Yazid claimed that his transition into polygamy had been "unplanned" (*"tak merancang pun"*) – while still monogamous, he had always been outspoken about his rejection of polygamy and had never found polygamy particularly "appealing" (*"tak suka pun"*). However, "if it was meant to happen, it will happen anyway" (*"kalau nak berlaku tu, berlaku juga"*). Justifying polygamy in such "accidental" terms was a recursive trope I encountered when speaking with many polygamists, who claimed it "just happened" or that it was because of "*jodoh*" (fate). By presenting their polygamy as having been conceived "beyond their control", these polygamists disclaimed much responsibility for their actions in the past, subordinating themselves to greater agents of destiny instead. More importantly, in evoking divine forces to further legitimize their polygamy, my polygamous informants could simply counter any possible criticism of their polygamy as a blasphemous rejection of fate (*taqdir*) and therefore God's command of destiny (*qadha' dan qadhar*) – an even heavier charge, close to a renunciation of Islam itself.

Being fair in matters of "[the] heart" (i.e. feelings) and "affections" (*"hati dan perasaan"*) was for Pak Yazid the most challenging aspect of being polygamous (*"menjaga perasaan paling susah"*). Pak Yazid kept a roster (*giliran*) alternating two nights between his two wives, each receiving alternate weekends to be as "fair" (*"adil"*) with his time as possible. He also claimed that he had "tried [his] best" in giving equal affections to both wives – though admitting, "the ones receiving" (*"yang menerima"*, that is, his wives) might well

¹⁷³ Pak Yazid often spoke in English during our interview. I later learned that he was educated in Malaysia's most elite all-male boarding school, the Malay College Kuala Kangsar (MCKK), which explained his fluency in English.

disagree. Pak Yazid acknowledged that his polygamy had caused tremendous emotional pain to Mak Zah. He acknowledged this possibility even before contracting his second marriage, which he did in secret because he “[did not] have the heart” (“*tak sampai hati*”) to tell Mak Zah. But he never expected her pain to be of this magnitude, and was therefore surprised that his first marriage had deteriorated quickly – and drastically – immediately following the exposure of his remarriage. However, he did not think divorce – from either of his wives – would provide any consolation for all parties involved; in fact, divorce would be “even worse” (“*lagi teruk*”) because it would create a distance between him and his wives and children that would only grow to become ultimately unbridgeable. Thus, even if certain dissatisfactions persisted in remaining polygamous, at least his access to his children would not be compromised by divorce.

The trials and tribulations of polygamy made Pak Yazid into what he called “a very patient man”, though he asserted that polygamy was not for everyone. In our interview, he was highly critical of Malay men choosing to be polygamous while still relatively “young” (in their 30s), calling this a “recipe for disaster. He further stressed that women should “always remind their husband not to be polygamous”. This was because at times men might be prone to seeking another if ever they felt distanced from their wife (and here he alluded to Mak Zah’s departure for the UK when he himself remarried). Women must therefore always know when to reel their husband back in to protect their marriage. Such a statement coming from a polygamist seemed to me quite ironic, as it left unsaid the paradox that men would typically attempt to contract and conceal their extra-marital, pre-polygamous liaisons from their first wives, yet the burden of ensuring their husband’s commitment to monogamy fell on the first wives’ shoulders. This again contributes to the rhetoric that men’s polygamous tendencies are, if not due to any “deficiency” in the first wife (Zeitzen 2002:123), a result of her failure to properly “police” and proscribe her husband’s sexuality, leading him to explore further post-marital possibilities elsewhere.

Pak Yazid was quite unusual in his willingness to expose his own emotional struggles with polygamy. In fact, I noticed a rather peculiar trend in which some men recently initiated into polygamy (such as Ahmad above) were rather proud of their polygamous status, often couching it in benevolent terms (i.e., “helping a widow”, “to avoid sin”). On the other hand, polygamous husbands such as Pak Yazid, who had carried the burden of juggling multiple marriages and households for decades, seemed more humbled by their

matrimonial struggles. They rarely carried their polygamous status with pride, even admitting that there was indeed a strong and justifiable reason why Islam discouraged polygamy – it was as much to protect the men from themselves, as it was to protect women from irresponsible men. In the following section, I demonstrate the logistical challenges for polygamous husbands of maintaining multiple marriages, to understand what polygamists meant when they complained of the difficulties of polygamy and described it as “not a good situation to be in”.

III. “Shuttling Husbands”

Readers who have encountered Radcliffe-Brown and Forde’s (1975 [1950]) indispensable edited volume, *African Systems of Kinship and Marriage*, will undoubtedly be familiar with its enduring depiction of the compound family in African polygyny. This domestic unit consists of the husband, his wives, and all resultant offspring. Each wife and her children are housed in their own hut, in a common compound where some degree of exchange, commensality, or co-wife domestic cooperation may occur (Wilson 1975:112).

This image of what Malinowski (1962:32) calls “joint domesticity” bears no resemblance at all to Malay polygamy today. On the contrary, Malay polygamy is constituted of multiple distinct and bounded marriages and in fact consumes more and more of the husband’s resources rather than contributing to them (Firth 1966:54). In this section, I demonstrate what makes polygamous unions so difficult to sustain. According to the Malay polygamists I encountered, juggling multiple marriages simultaneously was difficult not because of the emotional input required, but rather, because of the sheer amount of energy and effort needed to maintain multiple families housed in multiple locations – which, if the men concerned were fortunate, would be within the same city. For secret second marriages, the challenges were even more multifold, as such an arrangement required the husband to perform an entirely different kind of labor – that of deception (primarily towards the first family kept in the dark), and some skillful manipulation of time and the truth.

For a man who intends to “marry double”, the possession of sufficient tact and “*ilmu*” (magical knowledge on how to placate wives) is perhaps “not [as] important as having some means of transportation” (Laderman 1983:20). However transparent such unions may be, shuttling between two households consumes an extensive amount of the husband’s resources, both physical and financial. Amin, Karina’s husband whom I also interviewed, was quick to list the costs of “shuttling” (“*berulang-alik*”): the constant driving between one wife in Nilai and another in Seremban 30 kilometers away incurred exorbitant toll fees and took a lot of fuel, the price of which was ever on the increase. Added to this were frequent traffic jams, which meant that much of his time was “wasted” (“*terbuang*”) on the road, in between wives. Amin’s stepfather, Pak Yazid, suffered a heavier burden – although both his wives were located within the Klang Valley and in Kuala Lumpur’s surrounding suburbs, shuttling between Subang Jaya and Sungai Besi (also about 30 kilometers away) via public transport was still a strenuous effort, even more so now that he was in his 70s. He confided to me: “I think I could die in between travels.”

This form of multilocality has always been one of the defining features of Malay polygamy, as remarked by Djamour (1965:84-5), Rosemary Firth (1966:53), and many other anthropologists (Strange 1981:143; Laderman 1983:20; Karim 1992:141; Zeitzen 2008:75). These studies suggest that in housing two (or all) wives separately, the husband has much to gain: such an arrangement helps him shelter his subsequent marriage(s) from the public, particularly his first wife, and to minimize contact – and consequently, jealousy – between co-wives.¹⁷⁴ Harmonious cohabitation between Malay co-wives is considered a rare occurrence, if not an abnormality; in such cases, the husband is suspected of having employed magical means (*ilmu*) to achieve this unnatural state of affairs (Banks 1983:99; Laderman 1983:19). I never encountered a polygamous family in which both wives were housed in the same home. One first wife I met in Kota Bharu did tell me of how her husband frequently brought his second wife over to their home for “visits”. His intentions for doing so may have been because he wanted both his wives to “get along” (“*berbaik*”), but she confessed that she and her children simply found this

¹⁷⁴ This form of multilocality is also prevalent in other polygamous contexts as well, such as among Indonesian Muslims (Nurmila 2009), the Logoli of Kenya (Gwako 1998:334) and among the Beninois (Falen 2008:61).

insensitive, extremely hurtful, and deeply upsetting. This suggests that co-wife “visits” were hardly tolerated by the first wife, and co-wife cohabitation was expected to provoke even more perplexed and overtly hostile responses.

During the latter stages of my fieldwork, I was warmly received into Karina’s family home in a village in Pedas, Negeri Sembilan, for a brief but intimate sojourn, which allowed me to closely observe how the multilocality of polygamy panned out in everyday life. Karina’s family home was a most suitable location for this purpose, for it was a polygamous family within a polygamous family: Karina was a second wife living with her mother, who was the first of her father’s two wives. In both cases, the co-wives were housed separately in different towns and villages and, more importantly, in a home that both the mother and daughter owned themselves, not one provided for by their husbands.¹⁷⁵ This uxorilocal pattern of polygamy gave these two women a sense of security Mak Zah lacked, not owning a property of her own when her marriage was breaking down after her husband’s remarriage. Indeed, in these two cases, the husbands were the ones “staying temporarily” (“*menumpang*”) with their wives, rather than providing a home for them as prescribed by Islam.

This multilocal arrangement posed difficulties in capturing a holistic picture of what truly transpired in this multi-dimensional – and, in Karina’s case, multi-generational – polygamous household. As an anthropologist hitherto working on polygamy, I was often only exposed to one side of the story. Issues of access were also exacerbated by the fact that any attempt to delve beyond the domestic realm of my generous hostess, Mak Cik, and to probe into that of her co-wife presented significant ethical dilemmas which demanded plenty of delicate maneuvering on my part. From our daily conversations in the kitchen while preparing meals, and over many afternoon snacks of *kopi susu* (café au lait) and *pisang goreng* (fried bananas) on the airy back porch, I gradually learned of the uneasy relationship (or rather, an almost complete lack of one) between the co-wives over the past three decades. These tensions were so serious that Mak Cik herself had never met her co-wife. As such, I felt that, having earned the trust of Mak Cik, attempting to then have dealings with her *madu* would have been an act of betrayal akin to consorting with

¹⁷⁵ Karina bought her own house before she married Amin, while Mak Cik inherited hers from her mother, following the matrilineal rules of *adat perpatih* strongly held in Negeri Sembilan.

the enemy. As I had known Mak Cik already as a close family friend even before I was welcomed into her home as an anthropologist, my loyalty was expected without question.

Similarly, as I had known Karina first, I did not attempt to contact her co-wife, as I was conscious that my presence might be an unwelcomed intervention that could easily upset the delicate balance between these co-wives. My “selective” association with these spouses in polygamy in fact mirrors the awkward skirting that friends and family members of Malay polygamous couples typically have to do, which required even more caution in instances where, for example, the first wife remained unaware that her husband had remarried another woman, or where they were friends or acquaintances with both wives. Zeitzen (2002:44-5), in her study of elite polygamous marriages, encountered similar difficulties of access which carried an extra burden – the risk of public disclosure for her high-profile informants. These anxieties over exposure and pressures to continue concealing these polygamous unions testify to the socially-contested nature of such marriages.

The primary polygamous husband-father I encountered most frequently during my time in Karina’s family home was her father whom I called Pak Cik – a retired army officer in his seventies who, despite being hard of hearing with a perpetual bad cough, still managed to commute between his two wives on his motorcycle every few days. Karina’s polygamous husband, Amin, occasionally returned to Pemas to his in-laws’, but most of his time was spent at his first wife’s home in Nilai, where he also worked. My days in her family home – a traditional *kampung* house with a wooden front part and a slightly more modern extension made of stone extending towards the back – were spent largely in the company of the women of the household, which included Mak Cik, Karina’s sister Saleha (an IT executive who worked from home), and the Indonesian maid, Timah. This was not simply because I felt more comfortable mingling among them, but also because the two polygamous men were rarely at home. When not at home, Pak Cik was either out at the village *masjid* (mosque) during prayer times or at his other wife’s home. His division of time between two households seemed to me rather arbitrary, and even Mak Cik and Saleha said of this matter, “It’s uncertain, up to him” (“*Tak tentu, ikut dia*”). What did seem certain was that in dividing his time (unequally) between two households, he actually became a full member of neither.

Pak Cik was described to me by his wife and daughters as a strict man with an unpredictable temper in his youth. In old age, however, he had largely been relegated to the margins of the household. After thirty years of coming and going into the house whenever he pleased (I was told by Mak Cik and Saleha that if he was ever questioned for returning to his other wife's home, he would throw a terrible fit), his first wife and children had become indifferent to his presence, which in essence was largely felt by everyone in the house through his absence: his motorcycle, gone; the TV, off; his daily medications, all taken along with him (if he remembered to do so, that is).

On the infrequent occasions when he *was* at home, he seemed to lead a routine that was quite separate from the women of the household, who bustled about in the kitchen as they cooked, ran up and down the stairs connecting the older wooden part of the house and the newer brick extension as they tried to catch up with Karina's one-year old son, went on afternoon outings for *kuih-muih* (traditional sweet Malay delicacies) to be had over excessively sweet *kopi susu* on the well-shaded back porch. Pak Cik also came from a generation of Malay men who did not participate in housework – deemed as “women's work” (*kerja perempuan*) – which already excluded him from much daily life in the house. His constant absence only further magnified the distance between him and his family. Even when he was around the house his interactions with others were minimal; he was directly addressed when something concerned him, but otherwise small talk rarely occurred, for if it did, it was likely to escalate into an argument. My encounters with Pak Cik in the house reminded me of Carsten's (1995:111) observations of the older Malay men of Langkawi, who were also typically “confined to [the house's] furthest regions” while women “dominate[d] the house space with their presence”.

Pak Cik's coming and going never ceased to displease Mak Cik. Whenever he was gone, she was reminded of the fact that he was at “the other [woman's] house” (“*rumah sana*”), and when he was back, it usually meant that he had just returned from this unspeakable destination. It was when he was away that Mak Cik usually opened up to me with great ease, confiding in me her suspicions of how she felt that “that woman” (“*perempuan tu*”) surely must have been given a greater share of the compensation he received from a recent motorcycle accident, because she did not know where else all that money could have gone to; how his persistent cough must be due to the “impure things” (“*benda kotor*”) she was feeding him; how the “funny happenings” (“*benda-benda pelik*”) around the house, such

as the sudden appearance of a snake (perceived by Malays as ominous, possibly precipitated by black magic), must also be due to “her doing” (“*kerja dia*”). The lack of communication or any form of encounter between co-wives in this case meant that these suspicions could never be dispelled or confirmed, particularly as the husband would indirectly exacerbate this circulation of suspicions by refusing to admit the truth, or deny the accusation – or worse, by altogether lying – when directly confronted. Thus, although multilocality reduced the possibility of openly hostile confrontations between co-wives, it did not deter suspicions and animosities that continued to fester between two relative strangers, fueled, as they were, by fantasies of (or actual) unequal treatment from their shared husband.

As Mak Cik and Pak Cik did not have growing children who required both parents’ full-time attention, his frequent paternal absence was no longer problematic. Nonetheless, Mak Cik did recount to me the difficulties she had encountered in the past of being a single-parent half the time when raising their daughters. Often she had to manage their household expenses with whatever amount she was given that month by her husband, who, despite his arbitrary division of time, always gave the same amount of *nafkah* (maintenance) to both wives. Saleha, her daughter, could also barely recall with fondness any family memories which featured her father, suggesting Pak Cik’s minimal participation in raising his children during their childhood, adolescent, and young adult years. As with Mak Zah, Mak Cik’s experience similarly denotes how her husband’s polygamy deviates from the companionate marriage model, leaving the wife as the sole investor in the non-economic aspects of this supposedly shared project. As a result, Mak Cik’s children now maintain a much closer bond with her than with Pak Cik; they would, for example, take Mak Cik on holidays overseas to Australia, but not their father.

The multilocality of Malay polygamy thus means that the wives and families involved are spread over varying geographical distances, an arrangement which requires husbands to spread their time, affections, attention, and finances across these “independent” households. In attempting to fulfill different needs in this manner, the polygamous husband-father only amplifies the feeling of lack, for he is always perceived as giving less than what he is “truly” capable of. The following section, which deals with the tricky tie between money and matters of the heart, will explore the economic insecurities of polygamy further.

IV. Calculated Love

Love, emotions, and affections are intangible. In the context of marriage, however, they take a particularly material form in the mind of many polygamous spouses (particularly wives, who feel entitled to their husband's economic support) and are frequently spoken of in monetary and measurable terms. It is in the distribution and circulation of economic resources that love is described as becoming visible. As such, while my attempts to study "love" between spouses in polygamy were challenging, due to its invisible nature and Malays' general shyness on the subject, I was nonetheless able to piece together some sense of such sentiments from the way co-wives expressed jealousy – on sexual, temporal, and financial matters – as they compared not simply *who* their husbands loved more, but *by how much*. This jealousy primarily arose out of some perceived (and indeed, actual) unfairness that deviated from the expectation of equal treatment from the husband. Conversely, some wives also spoke of the way they accepted the husband's reduced – or entirely withdrawn – economic support with quiet pride as proof of how much *they* loved their husbands more than their demanding co-wives. Thus, an examination of the way material provisions are perceived to circulate and be withheld in polygamy offers a significant insight into how love (*kasih sayang*) itself flows from one spouse to the other(s).

Every marriage according to Islam, be it monogamous or polygamous, is founded on the husband's responsibility to provide two forms of maintenance (*nafkah*) – *nafkah zahir*, pertaining to the material needs of the wife (food, clothing, suitable living arrangements, money for daily expenses, and such), and *nafkah batin*, which is the husband's obligation to provide some semblance or degree of emotional support and, most importantly, sexual satisfaction to his wives (Reddy 1992:622). The husband's failure to fulfill any of these two presents adequate grounds for the wife to pursue a divorce, and indeed there are Malay women who do so (Syed Hassan 1986:186; S. S. Shah 2009:344). *Berlaku adil* (meaning "to be fair", or "to act justly") in polygamy is prescribed by Islam and Malay *adat*, both of which demand the polygamous husband to be consistently conscious in fulfilling the emotional and financial needs of his wives (Baveja 1964:70; Abdullah & Kamaruddin 2008:138). Although the husband's polygamy on its own does not constitute acceptable grounds for divorce, if the wife can prove in court that his remarriage has

resulted in a serious regression in her and her children's economic well-being due to his decreased economic support, or that he is no longer able to please her sexually (for example, if he has been medically proven to suffer from erectile dysfunction, or *mati pucuk*), the judge may well take her application for release into serious consideration (S. S. Shah 2009:344). I shall save an exploration of women's experience of sexual rights and jealousy in polygamy for the following section; my immediate concern here is how the husband's distribution of *nafkah zahir* (material maintenance) may be seen to be a measure of his "love" (in the protective form of "*kasih sayang*").

In the previous chapter, I have introduced Karina to illustrate a polygamous union in which second wives are primary contributors in the union rather than mere beneficiaries of their husband's economic resources. In this section, I focus on a more dominant form of polygamy I encountered in my research centered on the husband as the primary household provider, on whom both wives depended for economic support. In this polygamous arrangement, the husband's remarriage was dreaded by Malay first wives because the addition of a new dependent (or dependents) for their husband threatened their share of the husband's economic resources.¹⁷⁶ This constitutes one of the reasons most Malay women are so averse to this marital arrangement, and would "prefer to be divorced" ("*lebih baik diceraikan daripada dimadu*") than to share their husband (R. Firth 1966:49; Downs 1967:140; Strange 1981:149; Jones 1994:210; Zeitzen 2002:200, 2008:76). This aversion also arises from Malay women's perception that Islam's condition of fairness is impossible to achieve in polygamy (Tong & Turner 2008:53). Malay women I spoke to – single, divorced, monogamous or polygamous – projected this anxiety to me frequently by saying, "How can we accept polygamy if we know men can't be fair [*adil*]?" In this climate of economic uncertainty, men's proclivity to seek additional marriages when they could hardly support the one already in existence was simply dumbfounding to many women. What, they questioned, was the point of trying to avoid the "sin" of *zina* if, in doing so, one would risk committing an even graver sin – the economic and emotional neglect of the existing marriage (or both)? In this case, Malay women are highly critical of men's tendency to use polygamy's moral and religious

¹⁷⁶ These economic anxieties are not unique to Malay first wives, and have also been expressed by Beninois (Falen 2008:64), Logoli (Gwako 1998:340), Yoruba (Ware 1975:190), and Kaguru women (Meekers & Franklin 1995:322), who similarly have a significant degree of economic dependence on their husband.

legitimacy as a smokescreen that diverts people's attention from the inherent danger of polygamy – that is, how difficult it is to keep the balance from tipping to one wife or the other.

Many polygamous husbands I interviewed admitted that they struggled to meet this ideal. Both Amin and his stepfather, Pak Yazid, for example were highly critical of their own ability to be just and fair to their wives as they possessed neither sufficient economic resources to distribute between them, nor the disposition required to maintain the delicate emotional balance between wives in polygamy. As I will demonstrate through Sarah's experience of "surviving" a year of polygamy before separating from her husband, the distribution of *nafkah zahir* between wives tends to be almost completely at the husband's whim. While wives are expected to be passive recipients of such "generosity", many are, in fact, deeply unsatisfied (and openly so), which exacerbates tension in polygamy.

Sarah, a highly educated, cosmopolitan mother of three in her early 50s, was a longtime family friend of mine whose husband, Zamani, I also knew very well through years of family acquaintance. During the time of my research, Sarah was not yet legally divorced from her husband, but had for the past five years been living separately from Zamani, who had also stopped providing *nafkah* to her. In other words, this *de facto* separation between them had, in every other way, long taken effect. Sarah discovered her husband's remarriage to a *janda* (divorcée) with five children through her sisters-in-law, who alerted her to the fact that something "might be up" with her husband. Apparently, he had brought another woman to a family gathering while Sarah had been away in England with her children. Upon her return to Malaysia, Sarah confronted him about whether he had indeed married this other woman, and he admitted: yes, they had married secretly in Batam, an Indonesian island off the coast of Singapore popular as a tourist and cross-border marriage destination for Singaporeans.

Sarah was upset about his remarriage because she felt that they were not quite in a comfortable financial situation yet – he was the only breadwinner of the family, since she had surrendered her position in the civil service to be a full-time mother, and their children were also about to leave school and start university, which would be very costly. As she anticipated, her family's economic standard declined rapidly after knowledge of his remarriage became known to her. Sarah said that if they previously bought red snappers

in the market, now he would buy them anchovies and small fish; instead of providing pocket money to their children, he pushed them to find a job and earn for themselves so they were no longer financially dependent on him. Sarah too felt that she was downgraded from being the sole recipient to a competitor of her husband's economic support. As if to add salt to an open wound, Zamani made suggestions that Sarah might learn how to make and sell *kuih* (traditional Malay delicacies) by the roadside ("*jual kuih tepi jalan*") – generally seen as unbefitting for a housewife of her middle-class status. Coming from a moderately wealthy family and having been educated in the US, Sarah was insulted at this suggestion. Furthermore, she saw absolutely no sense in having to generate her own income simply to make it easier for Zamani to support his second wife. And so Sarah, unlike Mak Zah in the previous chapter, stubbornly chose not to pursue any income-generating activities and continued to be dependent on him – partly out of spite, and partly to intentionally "remind" him how difficult supporting one family already is, let alone two.

It was clear to Sarah that rather than attempting to maintain his first family's existing standard of living, Zamani tried instead to make them financially self-sufficient so he could divert the bulk of his resources to his second family. Indeed, as she expected, while Zamani was eager to cut corners with her family, with the other he was giving "more and more", or spending his money on things that, in her words, "didn't make sense" ("*tak masuk akal*"). Sarah recounted to me her horror on discovering that he had installed brand new sport rims on his car (most unusual indeed since Zamani had never been a car enthusiast, to her knowledge). Her suspicions told her that one of Zamani's stepsons – who then was in his early 20s – must have been using his car, and could have instigated this. Zamani, as far as Sarah knew, could not even be bothered to fill up his petrol tank regularly, so it was unthinkable that he would willingly spend his time and money on beautifying his car.

Relations between Zamani and Sarah and their children became tense to the point of total and utter breakdown. Sarah showed open disdain and feelings of betrayal for his remarriage, and his children too put up no pretense of accepting their father's polygamy. Sarah was sure that this was the reason why he had withheld so much of the financial resources from his first family. Yet Sarah believed that if he truly wanted to be a "fair" and "just" husband, his distribution of economic resources should not be dictated by his

“feelings” (*ikut perasaan*); if he gave the second family more money simply because they knew how to appease (*kipas*) him, then that was clearly favoritism, which did little to help her and her children warm to his polygamous status. The last straw was when Zamani attempted to change the ownership of the house Sarah and her children were currently living in to his second wife’s name, which Sarah saw as a direct impingement on her rights and possessions in her marriage. This aggravated the already hostile sentiments between Sarah and her co-wife. After a year and a half of enduring this continuous state of economic aggression and uncertainty, Sarah was prepared to ask for a divorce. Fortunately, Zamani made their separation much easier by gradually ceasing to return to her home, eventually permanently settling with his second wife. This was a sign to Sarah that “he had made his choice” (*dia dah buat pilihan dia*).

Sarah’s experience of “transitory polygamy” is quite emblematic of many other polygamous marriages I encountered: just as the husband’s polygamy marks the beginning of a new marriage, it also signals the more overt deterioration of the quality of the existing one, and foreshadows its impending dissolution. These economic struggles are not unique to first wives, however; second wives too may be victims of their husbands’ economic injustice. Ros, a second wife I discussed in Chapter 4, was one woman who similarly found herself fighting a losing battle in demanding more economic support from her polygamous husband. When Ros eloped with her husband to Thailand, she was fully aware that he was already married with three growing children, and that his salary as a government servant could not support her and her son from her first marriage. Fortunately, she had her own income as a kindergarten teacher to fall back on.

After their marriage was contracted, Ros claimed that she did not want to ask for his money, though she would readily accept whatever he had to contribute. When I asked why, Ros replied in a rhetoric I often heard from second wives: “We ‘arrived’ later” (*Kita ‘datang’ kemudian*). This meant that his financial obligations to his first wife and children should take precedence because these dependents had established their place before she even entered the picture. In another humbling response given by another second wife, concerns with “[taking] the property of another” (*kita ambil hak orang*)

and not wanting to “meddle in someone else’s rice pot”¹⁷⁷ (“*tak nak kacau periuk nasi orang*”) were cited as their motivation for remaining as financially undemanding of their husband as their economic circumstances permitted. However, while Ros did not initially expect her husband to contribute as a breadwinner (even though she knew that as a wife, she was fully entitled to a share of his income), the birth of their child created economic expectations that were not there before, and which he disappointingly failed to meet. Her frustrations magnified when a year into their union, the first wife discovered her marriage – an unfortunate revelation followed by a marked withdrawal of his time and money.

Ros’s situation highlights two factors: first, it debunks the myth – and the unshakeable suspicion held by many first wives – that second wives always receive more of the husband’s affections and financial resources. On the contrary, I found that many second wives forsook their entitlement to their husband’s economic support in order to not impinge on his financial obligations to his first family. Second, the flow of economic resources here was not entirely dependent on the intensity of the husband’s love for either wife; the first wife’s unpredictable intervention in his other marriage (and *vice versa*) should also be held into account in considering this arbitrarily complex flow of money and financial favors between spouses in polygamy. The constant changing of hearts thus creates a climate of economic uncertainty for all involved: the jealousy of one wife may prompt her to make extra demands of her husband, provoking pressures and hostilities from her rival which the husband must attempt to placate.

Although neither the Malaysian State nor the Islamic Bureaucracy offers any guidance on what constitutes the “ideal” polygamous marriage, the extensive bureaucratic procedures implemented do represent an attempt to regulate the financial uncertainties and instabilities in polygamy. In Selangor and the Federal State of Kuala Lumpur, aspiring polygamists are asked to prove their financial eligibility by specifying in their application form how much they intend to provide for each wife for their lodging, food expenses, bills, and children’s maintenance (*nafkah anak*) each month. These amounts are then enforced as a legally-binding court order they must honor if granted permission

¹⁷⁷ “*Kacau periuk nasi orang*” (“to meddle in someone else’s rice pot”) is a Malay expression for intruding in another person’s source of income, seen as an especially deplorable impingement with serious moral connotations. In this case, the “rice pot” in question is the first wife’s husband, who is her primary source of economic support.

by the judge to remarry. The intention here is clear: the husband's subsequent marriage should not in any way impinge on the economic standard he has set for his existing family. Moreover, while the second wife has rights equal to the first wife from the moment the marriage is contracted, she is not entitled to any wealth jointly accumulated by the husband and the first wife.

Thus, the complex bureaucratic procedures enforced by the Islamic Bureaucracy in Selangor and Kuala Lumpur can be read as a direct intervention in addressing the economic uncertainties and instabilities brought about by the husband's (often sudden) polygamy. However, while the State is able to mediate some of these economic insecurities, it cannot quite intervene in the same manner when it comes to sexual jealousy between wives. In the final section of this chapter, I then consider how co-wives respond to their husband's "infidelity". This ranges from a calm, emotional withdrawal from the marriage to the more covert use of malevolent spirits in an effort to oust the rival co-wife.

V. Sex & Sorcery

Too often discussions of polygamy center on its purpose as a religiously-sanctioned sexual outlet for men, but little attention has been given to how polygamous (usually, first) wives themselves are able to secure some degree of sexual satisfaction. Having explored the emotional exchange in Malay marriage in my earlier discussion of companionate care, I now focus on what happens behind closed doors: sex. Or rather, the lack of it in Malay polygamy. This is explicitly noted by Zeitzen (2002:186), who contends that many Malay first wives forced into polygamy are "also forced into celibacy" as the husband neglects them for another (stereotypically younger, often more sexually appealing) woman. The shocking discovery of the husband's remarriage, experienced by many first wives as a breach of trust and a "betrayal", often leads to a breakdown of emotional intimacy between spouses, which is seen as a crucial precursor to sexual intimacy (*keintiman suami isteri*).

Love, as suggested earlier, is unquantifiable and can never be distributed "equally" between wives. However, the husband can allocate his "nights" (*malam*) equally.

Regardless of how much “love” (*kasih sayang* or *cinta*) the husband feels for any of his wives, such things as the frequency of sexual opportunities, and the number of nights spent under one roof are also quantifiable (and from my observations, are indeed explicitly enquired after by the judge in court in cases concerning marital grievances such as divorce). Polygamy thus in fact subverts the Malay experience of intimacy: although ideally love should precede sex, in the event of the breakdown of emotional intimacy between couples, sex (or the conjugal “right” to it) takes primacy over companionate feelings of love, care, and loyalty between spouses. Sex in polygamy can be alienated from intimacy, and performed – if at all – as a “duty”. This further distances the couple from any possibility of an emotional reconciliation, particularly when the husband has an alternative source of such fulfillment: his new wife.

The question of love and sexual satisfaction in marriage concerns the husband’s distribution of *nafkah batin*¹⁷⁸ (emotional maintenance) – the unseen and immeasurable allocation of “love”, and most importantly, his duty to provide sufficient sexual satisfaction to his spouses. *Nafkah batin* encompasses the emotional and sexual fulfillment spouses should provide for each other in marriage, and a healthy sexual life is necessarily included. This is enjoined not only in *adat*, which, as explained in Chapter 2, emphasizes the need for social compatibility between spouses, but also by the Malaysian State, which actively encourages married couples to foster feelings of *kasih sayang* (companionate love and care) and *cinta* (romantic and passionate love). This multidimensional love, which incorporates the emotional, physical, as well as spiritual aspects of marital satisfaction, reinforces loyalty and devotion between husband and wife, therefore circumscribing any extra-marital “exploits” by the husband. Although wives such as Lina may also engage in extra-marital affairs as well, infidelity is largely seen as a male indiscretion – a perception certainly compounded by the institutionalization of polygamy in Malaysia, which permits men, but denies women, the right to have multiple spouses at the same time.

Historically, Malay husbands have been under significant pressure to provide sexual gratification to their wives, for their failure to do so could become “a matter of public

¹⁷⁸ “*Nafkah batin*” literally translates into “intangible” or “unobservable” (from the Arabic word “*batin*”, meaning “inner” or “hidden”) maintenance (“*nafkah*”).

knowledge and censure” (Stivens 1996:214). Today, however, the subject of *nafkah batin* – that is, what it entails, and who is obliged to give and receive it – is often too contentious to be discussed openly, not least because sex remains a difficult subject to discuss. This reluctance to discuss sex has led to widespread disinformation among Malay women that *nafkah batin* pertains only to a wife’s obligation to respond to her husband’s invitation to bed, based on the *hadith* that says, “When a woman spends the night away from the bed of her husband, the angels curse her until morning.” Many are in fact unaware that in Islam, as the celebrated Muslim scholar from the 12th century al-Ghazali argued, wives are equally entitled to receive not only the husband’s sexual attention, but also sexual *gratification* from him (Ali 2006:7).

This right is enshrined in Section 52 of the Islamic Family Law (1984) currently enforced throughout Malaysia. The IFL makes it clear that one of the accepted grounds for women to seek the dissolution of the marriage (*fasakh*) in the Shariah Court is if the husband “without any sound reason fails to provide *nafkah batin* for a period of one year” (“*tidak menunaikan tanpa sebab yang munasabah nafkah batin selama satu tahun*”).¹⁷⁹ Although this legal provision does not explicitly state the place of pleasure in the wife’s entitlement to *nafkah batin* from her husband, it does at the very least attempt to guarantee her sexual access to him. Furthermore, if we follow Jankowiak, Nell and Buckmaster’s (2002:89) definition of “infidelity” as “sexual intercourse without a spouse’s permission”, these hidden polygamous marriages certainly fit the bill. Polygamy thus not only significantly impinges on a first wife’s sexual access to the husband, which may have detrimental consequences to her reproductive success (if she is still at a young, childbearing age); many also face the added burden of coping with their husband’s duplicity when they discover his remarriage. Malay women’s frustrations are further exacerbated by the risk they face of being condemned as “bad wives” should they reject their husband’s polygamy, and further as “errant Muslims” (*sesat*) for rejecting a fully-legitimate prophetic practice (*sunnah nabi*) (Ong 2006:45).

The extent to which the marriage is modeled on a dyadic pair-bond relationship which

¹⁷⁹ This is found in the Islamic Family Laws of the Federal Territories 1984 (*Akta Undang-Undang Keluarga Islam Wilayah-Wilayah Persekutuan 1984*).

promotes “responsibility, intimacy, and a sense of mutual belonging” affects how women respond to infidelity (Jankowiak, Nell & Buckmaster 2002:87). The threat of polygamy is consistently present in Malay wives’ minds, even affecting gender relations between spouses in marriages in ways that “disempower” women (Zeitzen 2002:235). The husband’s remarriage often comes as an unpleasant surprise because it undermines all expectations of monogamy and the existing dyadic conjugal bond, which many women see as a partnership based on a complementary sexual division of labor. For example, many first wives, such as Mak Zah and Sarah, sacrificed their career to be full-time housewives and mothers in exchange for economic and emotional security from the husband. This was thrown into jeopardy by the addition of a competing co-wife in the marriage. Sexual jealousy thus does not exclusively concern women’s increasingly limited sexual access to the husband, but is also deeply implicated in more pragmatic concerns, such as when (or indeed, whether) the husband will return home to see the family or if he will give a lesser share of his monthly income.

Indonesian polygamous marriages studied by Nurmila (2009) and others (Nurmila & Bennett 2014) provide an interesting comparative case to their Malay counterparts. These studies confirm that “love” and male desire for sexual variety also constitute strong motivations for polygamy among Indonesian men (Nurmila 2009:55; Nurmila & Bennett 2014:76). More importantly, Nurmila and Bennett (2014:79) stress that sexual politics in polygamy are intricately linked to jealousy. First wives angered by their husband’s polygamy would feel less inclined to have sexual relations with their husband, leading him to seek sexual fulfillment from his second wife. Second wives on the other hand may experience less anguish at his polygamous status (being the newcomer in the marriage) and may be more disposed to taking an active role in initiating sexual encounters with the husband at opportune moments. This demonstrates that polygamous wives wield significant influence in shaping the sexual politics within the polygamous union, which refutes the popular perception that polygamous wives are “sexually passive” and “compliant with their husbands’ wishes” (Nurmila & Bennett 2014:79). The sexual politics in Malay polygamous marriages I describe below are similarly dictated by jealousy, which is exacerbated by its expression through malevolent forces such as sorcery. These have deep consequences in other aspects of the marriage too, such as the husband’s resource distribution and time allocation, which suggests how love, economic concerns, jealousy, and sexuality are entangled in polygamy.

In what follows below, I demonstrate how the husband's (often unequal) allocation of *nafkah batin* to his wives give rise to intense feelings of jealousy and the desire to monopolize the husband's affections to secure access to his emotional and economic support. I will return to Sarah and Zamani's deteriorating marriage to provide an insight into how sexual jealousy between co-wives manifests itself in various ways that could significantly affect the course of the polygamous marriage. In this case, while Sarah, the first wife, chose to respond to her husband's infidelity by distancing and eventually withdrawing herself from the marriage, her co-wife on the other hand availed herself of a more malevolent means of expressing her sexual jealousy – that is, by resorting to sorcery (*sihir*). I thus hope to demonstrate how sexual jealousy can give rise to, and is also aggravated by, sorcery. I shall also illustrate how this jealousy jeopardizes sexual access and intimacy within the existing marriage.

Inter-marital sorcery¹⁸⁰ in Malay polygamy as a means of ousting a co-wife to establish exclusivity with the husband is well-documented in the existing anthropological literature (Raybeck 1974:240; Laderman 1983:19; Stivens 2000:27; Zeitzen 2002:244). The use of sorcery in courtship and marriages is extremely difficult to prove as it operates in invisible ways, completely unseen by the naked eye except to those “gifted” with the ability to see or communicate with spirits and *djinns*. Nonetheless, sudden and outlandish changes in a husband's behavior may alert wives to the possibility that he might have been targeted with sorcery by a jealous lover. In polygamy where the husband's financial, emotional, and temporal resources are limited and divided, sorcery is often used by either first or second wives as a means for securing their share of these resources through stealth attempts to “turn the husband's heart” (*“palingkan hati dia”*) away from the co-wife, towards them. Second wives primarily target the husband to make him fall (even more) in love with her to claim a greater share of his affections. She may also attempt to eliminate her competition in the marriage – the first wife – by “sending” (*“hantar”*) malevolent spirits that can be physically or spiritually harmful to her. Second wives from Negeri Sembilan (such as Sarah's co-wife) often projected an even greater spiritual threat. Indeed, as Stivens (1996:214) writes, Negeri Sembilan women have historically held a reputation for being “dangerously adept with love potions and magic to bewitch men”.

¹⁸⁰ See Wilson (1975:113), Gluckman (1975:180), Ware (1975:190), Meekers & Franklin (1995:322), Gwako (1998:342), Jankowiak, Sudakov & Wilreker (2005:89), and Lindholm (2008:187) for descriptions of inter-marital sorcery in other contexts.

This observation was confirmed in two instances of polygamy I encountered – Mak Cik’s and Sarah’s – where the second wife was suspected of having engaged in sorcerous methods to harm the first wife.

Sarah discovered that she was being targeted with sorcery by her co-wife one day when she was prompted by her sister-in-law to visit an *ustaz* (a respected religious figure), who reportedly had a gift for performing “diagnoses” of whether one has fallen victim to such mal intentions and malevolent spirits. Sarah and even Zamani’s family had become suspicious of his sudden economic withdrawal, shortened temper, and emotional distancing from his family following the introduction of this new woman in his (and now their) life. Some answers were desperately needed. The *ustaz* visited their family home and upon reciting some Qur’anic verses confirmed that Sarah and her children were indeed under spiritual attack from her rival co-wife, who was dabbling in some serious Thai sorcery which in the long run could physically harm her family by making them ill. Her co-wife’s intentions were clear: she wanted their common husband for herself, and was therefore trying to “eliminate the competition”, so to speak.

Sarah initially found his diagnosis difficult to believe. However, when the *ustaz* complained that the house felt unusually “hot” (“*panas*”), and subsequently excavated a small glass bottle containing a piece of wood wrapped in black cloth in the front garden which he explained was used to “plant” (“*tanam*”) the seeds of dissension in her family, Sarah became convinced that her family might truly be in jeopardy. As the *ustaz* said, the house was infested with *djinns* which created a very heated and uncomfortable atmosphere that brought out the worst in the occupants.

This was consistent with Sarah’s own observations. Indeed, tempers often escalated very quickly, leading to constant fighting that eventually drove Zamani out of the house. She also noticed that Zamani could barely “sit still” (“*duduk diam*”) in the house in the increasingly rare occasion when he was actually home; he always wanted to go out and every small conversation erupted into an argument. Even more worrying, Sarah felt that her intimacy was at serious risk here: she could not bear to even look at Zamani’s face, much less spend the night in the same room with him because whenever they were in close physical proximity they would feel angry (“*tiba-tiba rasa nak marah*”). Many other first wives I encountered who were similarly troubled by the double burden of their

husband's polygamy and spiritual attack by their rival co-wife also cited feelings of losing sexual desire for their spouse. By this time, these couples had begun to spend the night in separate rooms, which further intensified the widening distance (both physical and emotional) between the two.

Although Sarah claimed never to have reached the point where they were sleeping in separate bedrooms, she did express feelings of aversion towards Zamani. This was exacerbated by feelings of sexual jealousy aggravated when she consulted another spiritual healer, whose second opinion supported the previous *ustaz*'s diagnosis. This healer confirmed that her co-wife used various spells and charms intended to beautify her and seduce Zamani, and also to make him obey her command ("*dengar cakap dia*").¹⁸¹ Sarah was told by this healer that her co-wife had used a particular enchantment known as *pemanis* (literally meaning "sweetener", whose mystical potency made everything she said sounded "sweet" and convincing to the listener). She had also reportedly used a beautifying charm to make herself appear younger in men's eyes and enhance her sexual appeal.

These enchantments made it easier for her co-wife to plant the seeds of slander (*fitnah*) in Zamani, and to nurture the growing distance between him and his first family. Sarah was especially hurt when she discovered a text message from her co-wife cautioning him against "eating anything" ("*jangan makan apa-apa*") in Sarah's home in case "they [Sarah and her children] put anything [enchanted] in the food" ("*takut dia orang letak apa-apa dalam makanan*"). The second wife's injunction to Zamani against eating food served from Sarah's "hearth" – to borrow Carsten's (1997) term – caused Sarah real concern as it created an unbridgeable distance between Zamani and his first family, greater than any malevolent spirit could manage. This was a direct attempt at forbidding Zamani from engaging in any form of commensality with his family, which, as we know, is so central to the establishment and nourishment of kin ties among Malays (Carsten 1995a, 1997). Indeed, as Carsten (1997:4) argues, for Malays, it is "eating together" that creates "shared blood – that is, kinship". Thus, by inciting Zamani (under the pretext of protecting him) not to engage in such fundamental practices of kin-making with Sarah

¹⁸¹ Zeitzen (2002:247) also writes of the use of "love magic" in the Malay elite polygamous marriages she studied, in which a co-wife's face is made to "look ugly" so the husband "has no desire for her".

and his children, it is clear that the second wife sought to slowly sever all kin ties with his first family. This, Sarah claimed, made Zamani feel gradually disenchanted and distrustful of his first family. Consequently, her co-wife hoped he would increasingly turn to her for comfort, and thus channel more and more of his time, affection, and money towards her as well – which Zamani predictably did.

During her year-long struggle in polygamy, Sarah experienced many losses, both sudden and gradual: she lost her position as the sole wife and was “downgraded” (“*diturun taraf*”) to a co-wife; over time, little by little, she also lost her husband’s love, attention, time, and financial resources to a woman who proved herself to be an aggressive competitor with no respect for the rules (“*main kotor*”). Sarah finally decided to “bow out” (“*mengundur diri*”) from the relationship by asking for a divorce because she felt she could not possibly compete without resorting to the same means – sorcery. In the end, she felt that Zamani was not quite worth such serious moral and religious transgression, and accepted that perhaps her *jodoh* with him was written up to this point (“*jodoh tertulis sampai sini sahaja*”).

Malay polygamy provides but one social arena where sorcery unmask its potency in exacerbating tense relations between Malays. Sorcery is a grave sin in Islam because by seeking the help of *djinns*, one commits the sin of *shirk*, which means ascribing other beings as equal to God. However, this Islamic injunction against sorcery is not always respected, as Sarah’s case above shows, which also suggests that more recent attempts by the Islamic Bureaucracy to suppress its practice have largely been unsuccessful (Osman 1989; Peletz 1997:258). In fact, sorcery continues to have significant relevance in Malay interpersonal relations precisely because of its invisibility to the naked eye: as an offensive measure against one’s enemy, sorcery is convenient because it is covert and non-confrontational, and therefore perfectly in keeping with Malay demands of maintaining (appearances of) peaceful relations (Raybeck 1974:241). Sorcery has consistently maintained its salience as a means for people to cope with “envy, jealousy, frustrated love, personal rejection, loss of face” – or a combination of these causes (Peletz 1988:144; Laderman 1997:335). Peletz (1988:140-4) has extensively documented the prevalence of sorcery among Malays, which, he contends, “are very real – and quite common”, not simply in Negeri Sembilan but also throughout the peninsula. Sloane-White (2008:470) too suggests that the rising Malay middle-class does express a

proclivity to resort to sorcery in pursuit of non-romantic interests, as a means of eliminating their more economically-successful rivals. This suggests that, despite any Islamic sanctions against sorcery, this covert social coping mechanism continues to thrive among Malays, typically emerging in critical moments where “pre-existing interpersonal tensions” have long boiled underneath this exterior of amicability between kin, friends, neighbors, and rival lovers (Ackerman 1996:57).

Sarah’s story tells us that sorcery can be interpreted as a sabotaging force in a co-wife’s marriage, which operates as much in psychological and emotional ways as it does through spiritual and mystical means. Her disappointment with her husband’s withdrawal of his sexual attention is further fueled by suspicions of sorcery perpetrated by her rival co-wife, whose malevolent force was interpreted as an unwelcomed interference and intrusion in the course of intimacy between Sarah and Zamani, to the point where Sarah herself could not quite tell whether her husband was losing sexual interest in her (and *vice versa*) because of sorcery, or because their *jodoh* (marriage) was truly up. In this sense, Sarah – and Mak Cik, who harbored similar suspicions of sorcery against her co-wife – sought supernatural explanations for the misfortune, seen as a malignant manifestation of another’s (that is, her co-wife’s) envy and jealousy.

To Sarah, the discovery of black magic was undeniably distressing, yet it also displaced her own agency – and that of Zamani – so that the blame for her deteriorating marriage lay instead on an external force beyond their control and on a third party (the co-wife). Sarah’s abdication of her own agency in her marriage runs contrary to depictions of Muslim women as agentive subjects (Mahmood 2005; Frisk 2009; Jacobsen 2011). Like Lina in the previous chapter, who was ready to relinquish all her economic agency to her suitor The Doctor, Sarah too was willing to absolve herself of any responsibility in her disintegrating marriage. For example, when I asked Sarah why she chose not to counter such spiritual threats and ceased fighting for her husband (“*Kenapa tak lawan?*”), she replied, “She [her co-wife] has turned my heart away from him” (“*Dia dah palingkan hati*”). This could be read as a method of emotional distancing commonly expressed by first wives in response to their husband’s infidelity (Jankowiak, Nell & Buckmaster 2002:91). Furthermore, when speaking of Zamani’s increasingly arbitrary allocation of “turns” and time between Sarah and her co-wife, Sarah would explain that his preference for the other family was because “she was always ‘calling’ [him]” (“*dia asyik ‘panggil’*”).

The implication here is that her co-wife was using some mystical means to “summon” her husband, so that he always felt inclined to return to her home and not to Sarah’s.

At the outset, this may seem like an admission of defeat, but in Sarah’s mind, it was the only way to keep her moral integrity intact in this conflict, and was therefore better than resorting to sinful sorcery. The unseen spirits not only robbed Sarah of her agency, but also rendered Zamani powerless. As the husband of two wives, he was expected to be the one dictating how resources were distributed between his wives, and how to be equally “fair” and “just” in channeling his affections and *nafkah batin*. However, Sarah felt that he easily succumbed to the spiritual scheming of his second wife, and was therefore as much a victim as she was herself. Sorcery here succeeds in creating both a widening distance between a husband and wife that truncates the *jodoh* between them, as well as generating a common shared suffering at the demise of their marriage.

To conclude, despite the Malaysian State and the Islamic Bureaucracy’s considerable preoccupation with marriage, very little by way of official guidelines have actually been issued on what constitutes the “ideal” polygamous marriage. This is evident, for example, in the way the Islamic Bureaucracy does not provide an obligatory pre-marital course for couples aspiring to be polygamous, which, an officer in Kelantan’s Department of Religious Affairs suggested, was partly because the State did not want to be seen as openly condoning or promoting polygamy. Thus, despite polygamy’s supposed “legitimacy” in Islam, the State still recognized the detrimental potential of polygamy if men were given the unrestricted freedom to practice it.

The State’s preoccupation with the permissibility instead of the permanence of polygamous unions has allowed a rather precarious state of affairs to flourish, in which polygamy is practiced in arbitrary ways dictated more by matters of the heart than the needs of the hearth. Polygamous men, in attempting to be lawful and God-fearing lovers, inadvertently become neglectful husbands. As first wives struggle to maintain their stronghold on their (crumbling) marriage, second wives too may find it difficult to establish their marriage without encroaching on the existing wife’s territory, and without seeking mystical means to monopolize the husband’s economic and affective resources. This is the reason why Pak Yazid, speaking with two decades of remorse, emphasized that polygamy needed to be “avoid[ed]” at all costs: “Because you will never be happy.”

Conclusion

I. The Promised Land

What, in the end, has the pursuit of “*halal*” intimacy ultimately come down to for my Malay informants? I wish to return to the question posed by Jones and Yeung (2011:1569) that I considered in the introduction of this thesis: “Who gains what from marriage?”

One may visualize romantic love (explored here as a combination of emotional and sexual sentiments) as a sort of “promised land” for these Malay couples, to which marriage serves as the one and only gateway. Intimacy (particularly of the passionate kind) outside marriage is an anomaly: it is illicit and unlawful because it is out of place. The correct place for any kind of passionate and romantic love for Malay-Muslims is within the institution of marriage through which it may achieve its happy consummation. *Adat* sanctions on intimacy are not intended to suppress all forms of intimacy indiscriminately, but rather to ensure that Malays be intimate discriminately: that is, to be intimate within the limits of marriage, with a spouse for whom all desires are permissible.

These socio-cultural pressures to “*halal*”-ize intimacy clarifies why one out of five marriages in Kelantan – particularly between 2009 and 2011 – were cross-border marriages contracted extra-legally (and possibly in secret) in Southern Thailand. It is also particularly striking that the number of polygamous cross-border marriages are six times higher than applications for legal polygamy in Malaysian Shariah Court, which, in 2012, had a nearly 80% approval rate. This number indicates that such runaway marriages – both monogamous and polygamous – were not an exception in Kelantan during my fieldwork. In fact, they appealed to many couples seeking quick access to matrimony that bypasses authorities of various kinds: legal, paternal, and even uxorial (i.e. first wives).

This desire for love, intimacy, and companionship that is “*halal*” and condoned by the State and religion explains the prevalence of polygamy among the Malay couples I worked with during my fieldwork. Fear of sin and moral retribution – in this world or the next – prevented many from committing *zina*, though the temptation was clearly there. Indeed, my Malay interlocutors’ understanding of intimacy almost always pointed to its

physical and morally precarious nature, whether it was explicitly stated or intimated to me through euphemistic means. Sexual desire is not the preserve of just the elite (Zeitzen 2002, 2008) – as I discovered, the pursuit of post-marital love was prevalent among all social classes in Malaysia.

What I have sought to show is that polygamy offers a chance of marriage to women who for various reasons struggle to marry. This is facilitated by women's participation in the labor economy, which allows them more opportunities and greater flexibility to engage in various romantic possibilities. The workplace, for example, is a highly favorable space for mixed-sex interactions, and for serendipitous encounters to occur between two people (who may be future *jodohs*). Their economic independence also enables them to secure love and companionship in marriages that are economically precarious. Waged employment and financial independence has thus generated conducive conditions for female agency in the realm of romance.

Working women's economic independence is also an asset in enabling them to secure love and companionship in marriages (particularly polygamous ones) that can be economically precarious. My research highlights that such financially-established second wives in fact act as crucial economic agents and valuable contributors in polygamy in ways that add to the husband's economic prosperity (*rezeki*). This differs from earlier anthropological observations on polygamy in Malaysia, which assert that additional wives typically constitute a heavier burden on polygamous husbands (R. Firth 1966:49; Karim 1992:141). Contrary to this, I have found that working second wives enriched, rather than exhausted, polygamous husbands' wealth by supplementing it with much of their own. This often facilitated a smoother entry into the marriage for these second wives, particularly when first wives were assured that their share of the husband's income would not be compromised by the annexation brought about through a new marriage. Polygamous husbands therefore have much to gain from marrying women with economic capital of their own, and given wage labor opportunities, this has increased the appeal of polygamy in Malaysia today.

It is also certainly conceivable that much has evolved in Malaysia in the past decade or so since Zeitzen (2002, 2008) conducted her ethnographic research among Malay elites, which has made polygamy even more accessible to the "masses" than it did then. Much

of this shift concerns the technological advancement and the ubiquitous use and possession of cell phones and mobile Internet among Malaysians today, which presents various possibilities for seeking new romantic interests or even, as I demonstrate through the cases of Karina and Lina, rekindling old ones. Not only do opportunities for new romantic engagements abound; within these engagements, the boundaries of permissibility for what is considered “sinful” sexual engagement and what is still “acceptable” have also shifted considerably. Such romances, typically mediated through social media, may escalate to an intense degree of intimacy and passion, but distance and virtual communication act as a bulwark against any actual physical consummation of the relationship. This, added to the institutionalization of cross-border marriages contracted in Thailand via the acquiescence of the Malaysian Shariah system, may also contribute towards the wider prevalence of polygamy among the Malay middle classes during my fieldwork.

My informants’ belief in *jodoh* (in the sense of a “match” or “spouse”) emphasizes how love and marriage are pre-destined yet still precarious endeavors, whose outcome can never be fully anticipated. *Jodoh* – especially the belief that every union is divinely pre-arranged and therefore amenable to “higher powers” (“*kuasa Tuhan*”) – explains the relative ease and “tolerance” towards divorce and remarriage noted in Kelantan (Peng 2011:152). Divorce among my Malay informants was not perceived as a “failure” on the part of either spouses, but merely that their *jodoh* had come to an end, as God had willed it. It was evidently time for each to seek their new *jodoh* (“*cari jodoh baru*”). Men are permitted more than one *jodoh* simultaneously – and do indeed justify their polygamy in such “fated” (“*dah jodoh*”) terms – but this is a luxury that comes with a strict caveat: “If they dare to do it, they [must] dare to take responsibility [for their actions]” (“*berani buat, berani tanggung*”). When men fail to live up to the expectations of morally upright and responsible polygamous husbands, they are criticized for “looking for disaster” (“*mencari nahas*”).

Divine powers such as “God’s will” and spiritual forces such as sorcery allow for a negation of agency and responsibility for one’s own marital fate, and may also elucidate the transient nature of some Malay marriages. However, this fluidity of conjugality often collides with the rigid bureaucratic management of marriage by the Malaysian State, which attempts to seal such matrimonial bonds with an enduring sense of permanence.

Marriages, once contracted, are hard to break; thus, we see women, such as Ros, trapped in the bureaucratic shackles of a marriage that had long since disintegrated. This disparity between belief and the bureaucracy of marriage compels Malays to strategize their pursuit towards *halal* intimacy in ways that maximize every shortcut towards marriage while minimizing any contact with bureaucracy.

Although I explore intimacy (of the emotional and sexual kind) here as leading towards, and as an exclusive preserve of matrimony, I have acknowledged the prevalence of pre-marital sexual engagement among young Malays today. This has been the cause of much moral anxiety among Malaysians in recent years. However, my research with Malay women of marriageable age reveals a deep reluctance to experiment sexually, especially before marriage. I witnessed various attempts to “*halal-ize*” their relationship through marriage first – often by way of an elopement to Thailand – to avoid any “accidental” pre-marital sexual engagement. My focus in this study was therefore to understand the forces that shape conjugality, be they legal-bureaucratic, socio-cultural, religious, or carnal.

Nonetheless, a future investigation into engagement in pre-marital sexual activities by young Malays would contribute to a wider understanding of intimacy beyond the scope of marriage. Looking at pre-marital sexual engagement might, for example, reveal the shifting socio-cultural conditions that allow for this “loosening” of *adat* reservations against pre- or extra-marital sexual intimacy. Through this, we may also anticipate whether marriage will continue to be as central an institution in the social life of Malays, if one of its well-guarded privileges – sexual intimacy – is becoming increasingly accessible without first undergoing the responsibilities of matrimony. However, the valorization of post-marital love (“*cinta selepas nikah*”) among my young unmarried Malay informants made me aware of a desire for love that is “*halal*” – that is, permissible and guilt-free. This increasingly “Islamic” and morally upright approach towards intimacy among young Malays I encountered alludes to the possibility that marriage continues to be the preferred path towards being intimate, even if this may only be achievable via temporal and bureaucratic “inconveniences”.

II. Fragile Families

Malay polygamy (that is, the husband's second marriage) reflects an unusual process of marriage-making that simultaneously entails the construction of the new marriage, and the reconfiguration of the existing one – a process that has received scant anthropological attention thus far. The addition of the husband's second marriage to the first also proves to be divisive: Mak Zah's case illustrates how the feelings of hurt and betrayal experienced by first wives and children upon the husband-father's remarriage can be so profound, such that even if the first marriage continues to stay intact, the familial intimacy lost is simply irrecoverable.

Malay polygamous families often take a rather fragmented form: they are usually constituted of relatively "independent" sub-units, each comprising the wife and her children. The cooperative compound family is rarely seen in Malay polygamy, where each wife and her children tend to be economically, socially, and emotionally independent of the husband-father's other families. The husband's arbitrary distribution of material and affective resources exacerbates the isolation between families by creating jealousy, sorcery, discord, and discontent between families. Many wives in polygamy (both first and second) are consequently forced to take on the challenge of surviving independently of the husband. In the words of Sarah: "He can do whatever he wants; [my responsibility] is still to my children" ("*Lantaklah dia nak buat apa pun; saya tetap dengan anak-anak*"). Malay polygamy thus perpetuates a contradictory reality in which men struggle to perform their role as the spiritual and worldly leader and provider to their families, despite widespread recognition that they are not as rational and logical as stereotypically characterized in *adat* discourse (Peletz 2002:97; Frisk 2009:172).

In the absence of the husband-father, these families operate more as female-headed households, in which it is the wife who takes charge of maintaining economic stability and providing emotional support for their children. This re-emergence of female-headed households is reminiscent of Maila Stivens' (1996; 1998; 2000) study of matrilineal communities in rural Negeri Sembilan in the 1980s, which experienced a drastic domestic reconfiguration as Malaysia too underwent an intense industrialization period. As husbands and sons migrated to cities for employment, women were left to survive in the

village with the financial help of regular remittances from their men. These women's matrilineal privileges such as owning and inheriting property, as well as uxorilocal patterns of domesticity after marriage, ensured that women were materially and socially protected during their husbands' long absences (Stivens 1996:126). The wives in polygamy I encountered in Kelantan, Negeri Sembilan, and elsewhere in Malaysia also drew on similar sources of strength that became indispensable for their (and their children's) survival: a source of income independent of their husbands; ownership of properties where they may maintain a secure residence with their children; and emotional comfort in other women fighting similar battles (recall Mak Zah's mutually supportive friendship with her in-law, Mak Cik). This seems to be a strength of the bilateral gender and kinship relations in Malay society: women's greater economic, emotional, and social autonomy granted to them by *adat* – both in the matrilineal communities of Negeri Sembilan as well as in the rest of Malaysia – offer them the resources and resilience to recuperate from their husbands' marital mischief and mismanagement in polygamy.

In the case of second wives such as Karina, who willingly settled for a polygamous arrangement, possessing such autonomy allows them to be highly adaptable to the general climate of economic uncertainty prevalent in present times as well as in most polygamous marriages. This minimizes polygamy's potential to be an economic burden on men, while maximizing women's chances of securing love, companionship, and becoming mothers. Thus, the increasing availability of – and willingness among – Malay women with economic capital to embrace polygamy also explains the wider acceptance of polygamy during my fieldwork. Anecdotally, I found that these polygamous marriages had a higher chance of surviving if economic anxieties among wives were reduced through second wives providing supplementary economic support out of her own pocket.

Malay polygamy is not simply about multiple marriages maintained simultaneously; it also concerns the coexistence of multiple families and households that include children. Although I have alluded to how children in polygamy (especially from first families) are affected by their father's remarriage, more still needs to be said on this matter. Much of the research on polygamy (including my own) has focused on spousal tension, forgetting that children too are an essential part of polygamous families. Mak Zah's son's experience of mental illness shows how children are as deeply affected by conjugal instability in polygamy as their mothers are. Karina too recounted to me her feelings of resentment

towards her father's second wife, to whom she had attributed the cause of much of her childhood frustrations of fatherlessness. These cases suggest that the father's polygamy may very well result in turbulent households that destabilize family life. An investigation into the lives and challenges of children in polygamy could demonstrate how conjugal tension between parents affects children emotionally, and help to identify what resources they subsequently draw on to compensate for, and adjust to, the father's seemingly inevitable emotional and economic withdrawal.

The increased fragility of family life following the husband-father's remarriage constitutes a strong reason why monogamy continues to be the preferred conjugal arrangement in Malay society, and the preferential domestic unit for the Malaysian State. Marriage is certainly valued as an institution that protects couples from engaging in illicit intimacy and sinning, but multiple marriage – that is, polygamy – is a different matter. Often, the husband is condemned as being too ambitious by taking on more families than he can support, or “biting off more than he can chew”. Indeed, such multiple marriages usually end up mismanaged: economic and emotional anxieties among the wives point to the husband's inability to fulfill the needs of his dependents, either due to a genuine lack of resources or an unfair distribution of the available resources. As Pak Yazid and Amin demonstrate, the multi-local domestic arrangement of Malay polygamy could prove to be physically and financially demanding. Thus, polygamy compromises the husband's ability to commit to the monogamous and companionate model of marriage that the State endorses, which should ideally comprise a great degree of emotional investment, mutual care, and reciprocal responsibilities. The paradox, however, is that although the State appears to be endorsing this monogamous model as the preferred “modern” conjugal unit, it continues to encourage the flourishing of polygamy by recognizing polygamous cross-border marriages contracted in contravention of its own laws. This, I have argued, suggests that the “Islamization” of intimacy by the Malaysian State results in an approach to marriage that privileges religious application over everyday practice and local values.

III. Intimacy Islamized

The Malaysian State's increased “Islamization” efforts are responsible for the formal and legalistic management of marriage seen today that is heavily reliant on the mystical,

complex powers of “bureaucracy”. To ensure intimacy remains within the boundaries of conjugality, I have suggested that the Malaysian State conducts a surveillance of intimacy through two main *modus operandi*: first, through the labyrinth of banal paperwork and mundane legal processes collectively subsumed under “bureaucracy”. I focused in particular on the Shariah Court’s heavy reliance on “proceduralism” (Gupta & Sharma 2006) as itself a form of gatekeeping that accords marriageability – and therefore access to intimacy – to some while denying it to others based on “procedural correctness”. Second, the State has various apparatuses within the State-led Islamic Bureaucracy (such as the Moral Police Unit) to ensure an efficient enforcement of intimate surveillance, both at the legal-bureaucratic level and on the ground.

The study of “bureaucracy” – as both a process and a collection of State-run institutions – in the context of marriage demonstrates the depth of the State’s intervention in the intimate lives of its Muslim subjects. There are few avenues for evasion from the State – even an elopement to Thailand in pursuit of an extra-legal marriage at a Thai Islamic Committee office is conducted under the supervision of the Malaysian State. The transjurisdictional nature of these cross-border marriages point to what Merry (1992:366) might call the “porous” quality of the Malaysian Shariah system: Shariah law (as interpreted by the State) is structured by both national and transnational legal orders, yet is also simultaneously an autonomous site for the production of cultural meanings and enforcement of local rules that have a direct impact on my informants’ kinship and conjugal experiences. The flexibility of the Shariah shows how Islam in Malaysia emerges as a force malleable to the political climate of the time, and the desirous pursuits of Muslims.

My examination of the bureaucratic management of intimacy and marriage points to a representation of the Malaysian State as a contradictory agent of kinship: it attempts to be protective to women, yet at the same time privileges male access to (multiple) marriage. It makes the right to polygamy conditional, yet condones extra-legal polygamous marriages contracted out-of-state. The State is in fact adamant that should its citizens desire to elope across the border and marry in contravention of its own laws, they should “wrong” in the “right” manner. This suggests that despite the State’s strict and stringent bureaucratic procedures for marriage, it also proves to be rather flexible and

forgiving by offering its errant citizens an opportunity to legalize a marriage that would otherwise have no legal standing in Malaysia.

On the other hand, such lenient and accommodating approaches to extra-legal polygamy have also proved to be harmful to the husband's first families, many of whom suffer a steep decline in their economic and emotional stability following the husband-father's remarriage. When marriage becomes a heavily bureaucratized and procedural affair, men's supposed "eligibility" for polygamy is decontextualized from their actual circumstances. This points to a risk in which the State may attribute too much emphasis to men's irrefutable right to polygamy (as accorded by Islam), and insufficient attention to their actual ability to fulfill their responsibilities as the husband and father to multiple families. Polygamy therefore negates the State's project of modernity, particularly when it threatens to jeopardize the very thing that the State attempts to keep intact: the family institution.

However, I suggest that this contradiction in the State's management of marriage and marriageability is illustrative of the way it attempts to respond contextually to the needs, circumstances, and desires of its citizens. Polygamy is essentially treated by the law as two separate "monogamous" marriages. These marriages not only coexist alongside one another; they also have conflicting interests. This renders it difficult for the State to accommodate the interests of one marriage without impinging on the rights of the other: on the one hand, refusing to acknowledge the husband's (extra-legal) second marriage to protect his first one would leave the second wife and her children legally and socially vulnerable; on the other, recognizing his polygamy and granting his second family full legal rights could jeopardize his first family by bringing his two families to the same level of equality, and in competition with one another. The Malaysian State's approach towards polygamy is therefore essentially relative to whose – or which family's – perspective it is examined from: first families might feel concerned and threatened by the State's accommodating stand towards polygamy, but second families conversely see this leniency as an opportunity to build a conjugal and family life which otherwise would be hard to achieve. This rather inconsistent and unstandardized treatment of polygamy speaks to the flexibility and open-endedness of Islamic law, which allows a space for judges to mediate the needs of each marriage circumstantially.

Michael Lambek (2013:251) argues that “Many acts of kinship are simultaneously acts of the State.” The Malaysian State, through intervening in marriage, also reproduces kinship, albeit in a more fragmented form. The *wali* evasion cases presented earlier demonstrate how cross-border marriages are a source of rupture between the couples and their families in ways that provoke highly emotional responses from indignant parents and angry first wives. However, the emotional damage caused by polygamous unions seems quite irrelevant to the State; instead, the licit conjugal bond, contracted with the irrefutable force of the “Shariah”, takes precedent over any other kin relations. In condoning such unions, the State contributes to their isolation from the wider kin network, which frequently results in a devaluation of individuals’ family connections, with a noticeably increased valorization of matrimonial ties. This shows a reconfiguration of kinship as visualized by the Malaysian State that disregards traditional Malay practices of kinship as based on shared substance (Carsten 1997), and places a renewed emphasis on the making of a licit intimacy through marriage. In this “modern” vision of the family, kinship is aligned through Shariah principles which determine to whom loyalties should be directed, what relationships are permissible, and how these may be negotiated. In its preoccupation with the permissibility of intimacy and the rules of marriage and marriageability, the State’s pro-marriage stand intentionally reproduces “modern” kinship relations based on “decontextualized forms of personhood” (Lambek 2013:254).

Although polygamy defies the Malaysian State’s preference for “modern”, monogamous families, it is nonetheless a pursuit rendered possible by another crucial mark of modernity: the expression of “individual freedom” – in this case, to choose one’s spouse; to marry where and when one pleases; and to even settle for a polygamous arrangement if one so chooses (Lambek 2013:253). However, this “individualist” pursuit does come at great social and personal cost for the couples involved – and their wider kin. This did not deter my informants from all walks of life from pursuing a precarious chance at marriage nonetheless. Polygamy thus emerges as a double-edged sword: as much as it responds to the anxieties and isolation of urban life in which love and companionship – even within marriages – prove elusive, it also further adds to this tension by jeopardizing established relationships. Perhaps polygamy is better envisioned as a system of gains and losses in which love must be earned, and happiness seems to visit each spouse in turn.

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Glossary

Adat	Malay “culture”, beliefs, and traditions, an all-encompassing “way of life”.
Akal (n.)	Mind, reason, rationality.
Akhirat	The afterlife.
Anak dara (n., f.)	Virgin (m. anak teruna).
Asam garam rumahtangga	A Malay expression to refer to conjugal challenges.
Aurat	Areas of the body that must be covered in the presence of non-marriageable kin of the opposite sex. For women, these include all body parts except the face, hands, and feet; for men, these cover the area between the navel and the knees.
Baju Kurung	The traditional dress for Malay women composed of a knee-length tunic worn over a long skirt.
Baju Melayu	The traditional dress for Malay men comprised of a loose tunic worn with slacks.
Bandaraya Islam	Islamic City.
Bangsa	The term used to refer to “race” and ethnicity in Malaysia.
Barakah (n.)	Blessing.
Bersanding	A tradition in Malay wedding ceremonies in which the bride and groom sit on a raised dais in their wedding regalia, as guests and family members take turn to pay their respects and good wishes.
Birokrasi	Bureaucracy.
Boleh belaka	A Kelantanese way of saying “Anything is possible”.
Bomoh	A sorcery or black magic practitioner.
Budi bahasa	Proper etiquette of speech.
Campurtangan keluarga	Family interference.
Ceraai (v.)	To divorce.
Cinta (n., v.)	Romantic or passionate love.
Cinta selepas nikah	Post-marital love.
Dakwah (n., v.)	To proselytize, literally meaning an “invitation” to enter Islam.
Darah panas (n.)	Hot blood, usually referred to young people with “unreleased” sexual desires (adj., berdarah panas).
Datuk (m.)	A title (f. Datin) given by sultans to their loyal subjects who have contributed much to society and the country’s economy. Most of these title-holders are rich businessmen and elite members of society. These titles cannot be inherited, but can however — rumor has it — be bought with a handsome sum of money.
Dosa	Sin.
Du’a (n., v.)	A prayer said to God.
Dulang	“Trays” of marital gifts exchanged between the bride and the groom.
Ejen nikah sindiket	Nikah syndicate agents.

Fatwa	Legal rulings produced by the <i>mufti</i> which respond to current events and predicaments faced by Muslims in society today. They can be legally binding if enforced under Shariah law.
Fiqh	Islamic jurisprudence.
Fitrah manusia	Human nature.
Galok jate	A Kelantanese way of referring to lascivious men or their extra-marital exploits.
Gatal (adj.)	Lascivious.
Gila cinta (n., adj.)	Literally meaning “crazy love”; a state of heightened fervor and psychological disturbance resulting from the unleashing of an excess of <i>cinta</i> (romantic love) and its delayed fulfillment through marriage.
Gila kahwin (n., adj.)	“Marriage craze”; state of psychological disturbance arising from the urgent desire to marry.
Hadith	The sayings of the Prophet Muhammad that inform how Muslims should act, think, and behave transmitted through a long line of Islamic Scholars.
Hak (n.)	Rights.
Halal (adj.)	Permissible according to Islam.
Hantaran	Bride price given by the groom to the bride; also used to refer to marital gifts exchanged between both parties.
Haram (adj.)	Forbidden according to Islam.
Harta pusaka (n.)	Inheritance.
Harta sepencarian	Matrimonial assets accumulated jointly by the husband and wife.
Hibah	To bequeath a gift (usually property) to someone; a term usually used in inheritance or property division cases in Shariah Courts.
Hubungan kafaah	An Arabic term literally meaning “balanced” or “complementary”) is considered an important ingredient in a marriage that ensures that both husband and wife complement each other in social status, wealth, religion, and temperament.
Hudud	Islamic punitive measures for crimes including adultery (<i>zina</i>), theft, highway robbery (<i>hirabah</i>), apostasy (<i>irtidad</i>), alcohol consumption (<i>shurb</i>), and slanderous accusation of adultery which cannot be supported by four reliable witnesses (<i>qadhf</i>).
Ijab dan qabul	The act of offering and accepting the bride’s hand in the marriage contract.
Ijtihad	The creative practice of interpreting the Islamic sources using one’s own intellectual resources.
Imam	A religious leader in a Muslim community.
Isteri	Wife.
Janda (f.)	Divorcée (m. <i>duda</i>).
Jodoh	The fate of one’s romantic life; also meaning “match”, “spouse”, “[duration of] marriage”.

Jubbah	A long robe commonly worn by Arabs, but now adopted by Muslims across the world.
Jurunikah	Marriage officiant.
Kaafir (adj.)	Unbeliever.
Kahwin (n., v.)	Marriage; to marry.
Kahwin lari (n., v.)	Elopement.
Kahwin muda (v.)	To marry at a young age.
Kahwin Siam (n., v.)	A Thai cross-border marriage.
Kasih (n., v.)	“Love”, used in a romantically neutral context as well as in more passionate state of affairs.
Kasih sayang	Familial or companionate love.
Kasihani (n., v.)	Pity or sympathy; from the Malay word for “love”, <i>kasih</i> .
Kedai kopi	Coffee shop.
Keintiman (n.)	Spousal intimacy, understood specifically as lawful sexual relations between spouses.
Kekasih	Lover.
Kepimpinan Ulama	Ulama leadership, in which the state’s political leader also guides his people spiritually.
Kepuasan	Satisfaction or fulfillment, usually understood in the sexual sense.
Kerajaan	The “government”.
Khalwat	Being in close physical proximity to a marriageable, non-kin member of the opposite sex in a (sexual) way that “arouses suspicion”.
Khatam Qur’an	A feast celebrating the end of one’s first complete recitation of the Qur’an.
Khul (n.)	A type of divorce (also known as <i>cerai tebus talak</i>) women have recourse to if the husband refuses to make the repudiation of divorce on his own will. In such a case, the wife may negotiate to “compensate” (“ <i>tebus</i> ”) him with money, property, or anything of value (such as gold or silver) in exchange for a divorce.
Madu	The Malay term for “co-wife”, literally meaning “honey” – a tongue-in-cheek reference to the toxic relationship between co-wives in actuality.
Maksiat	Vice, or sinful activities such as consuming alcohol, drugs, or having unlawful sexual relations.
Malu (adj.)	Shame.
Mas kahwin	Bride price paid by the groom to the bride.
Menteri Besar	The chief executive of state government; the highest political leader at state level.
Mufti	A Muslim legal expert authorized to give legal opinions and rulings (<i>fatwas</i>).
Mursyidul Am	Spiritual leader.
Murtad (n., v.)	An apostate or apostasy; to renounce Islam.
Nafkah	Maintenance provided by the husband to his wife and dependents.

Nafsu (n.)	Passion, desire, lust. Usually understood as carnal desire outside the context of love or marriage.
Nikah (n., v.)	Marriage or solemnization ceremony contracted according to Islamic rights.
Nikah ekspres	A colloquial term for cross-border marriages.
Pasangan	Spouse or partner.
Pasar malam	Night market.
Pengesahan status bujang	Certification of unmarried status, needed to obtain permission to marry from one's state.
Peranan (n.)	Role.
Perasaan	Feelings; (sexual) attraction.
Perkahwinan (n.)	Marriage.
Pernikahan (n.)	Marriage; solemnization ceremony according to the rites of Islam.
Qadhi	An Islamic judge authorized to solemnize marriages for Muslims.
Rezeki (n.)	Fate or fortune that needs to be sought through one's own labor, yet also pre-determined by God.
Rujuk	A reconciliation after a divorce.
Rumahtangga (n.)	Marriage; household.
Samak	A method of ritual cleansing using soil once and water six times on the affected body parts or garments, usually applied after one has had physical contact with dogs or pig skin.
Sayang (n., v.)	The least romantic kind of love in the spectrum of Malay intimacy; used to refer to familial and platonic affection, but also a term of endearment used between two lovers.
Selatan Thailand	Southern Thailand.
Sihir	Sorcery or black magic.
Sijil nikah	Nikah certificate.
Suami	Husband.
Suka sama suka	Mutual attraction.
Sunnah	The actions of the Prophet Muhammad Muslims are encouraged to emulate.
Surat cerai	Divorce certificate.
Surat mati	Death certificate.
Susah (adj.)	Difficult (used often when complaining about the complex bureaucracy).
Tafsir	The science of Qur'anic interpretation.
Taklik	Conditions stated in the marriage contract, usually read out loud during the nikah.
Talak (n.)	A proclamation of divorce.
Tanggungjawab (n.)	Responsibilities.
Taqdir	Fate.
Tata tertib	Proper etiquette of conduct.
Tidak manis (adj.)	Literally meaning "not sweet"; used to describe behavior deemed socially inappropriate according to Malay <i>adat</i> .

Tuhan	God (not specific to any religion).
Ulama (pl.)	Islamic scholars (s. <i>alim</i>).
Ustaz (m.)	A person knowledgeable on Islam (f. ustazah).
Usuluddin	Islamic theology.
Wali	A woman's male guardian (usually her biological father).
Wali hakim	A process of delegating another person of authority (such as the <i>imam</i> or judge) to give the woman away in marriage in the absence of her actual wali. This can only be resorted to if the nikah is taking place more than 90 kilometers away from where the wali is located at the time of the nikah, or if the wali cannot be located at all.
Warung	Food stall.
Zakat (n., v.)	Alms; the act of giving alms.
Zina (n., v.)	Adultery, or any act of sexual intercourse outside of marriage.